McGILL UNIVERSITY SENATE

Memorandum

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TO:	Senate
FROM:	Professor Christopher Buddle, Dean of Students
SUBJECT:	Annual Report of the Code of Student Conduct and Disciplinary Procedures (2018-19)
DATE:	October 23, 2019
DOCUMENT #:	D19-11
ACTION REQUIRED:	☒ INFORMATION ☐ APPROVAL/DECISION

ISSUE

The Annual Report of the Code of Student Conduct and Disciplinary Procedures is presented to Senate for information.

BACKGROUND & RATIONALE

In accordance with article 6.3.12 of the Statutes of McGill University, the Senate shall exercise general disciplinary authority over the student body of the University and may delegate authority to make and enforce student disciplinary regulations to University bodies and officers of its choosing.

Article 88 of the *Code of Student Conduct and Disciplinary Procedures* provides that an annual report of the activities under the Code of Student Conduct and Disciplinary Procedures shall be prepared by the Dean of Students and presented to Senate and to the Board for information. No mention shall be made of the names of the parties nor of any information that might lead to their identification.

As such, the Dean of Students hereby submits the 2018-19 Annual Report of the Code of Student Conduct and Disciplinary Procedures for information. Over the 2018-2019 academic year, all new Disciplinary Officers and members of the Committee on Student Discipline (CSD) were invited to participate in an orientation session. During the year, Disciplinary Officers and members of the CSD met to discuss common issues and concerns.

In collaboration with the Office of the Dean of Students, Disciplinary Officers and members of the CSD will continue to work to increase awareness of and respect for academic integrity. Orientation sessions for students and new faculty will continue to emphasize the values underlying the *Charter of Students' Rights*, the *Code of Student Conduct and Disciplinary Procedures* and other policies.

PRIOR CONSULTATION	Disciplinary Officers and members of the CSD.
SUSTAINABILITY CONSIDERATIONS	N/A
IMPACT OF DECISION AND NEXT STEPS	The report will be presented to the Board of Governors on February 13, 2020, for information.
MOTION OR RESOLUTION FOR APPROVAL	This item is presented for information.
APPENDICES	Appendix A: Annual Report of the Code of Student Conduct and Disciplinary Procedures (2018-19). Appendix B: Allegations of Academic Offences Adjudicated by Disciplinary Officers. Appendix C: Allegations of Non-Academic Offences Adjudicated by Disciplinary Officers. Appendix D: Allegations Referred to the Committee on Student Discipline (CSD). Appendix E: 2018-19 Disciplinary Officers. Appendix F: CSD Composition for 2018-19.

APPENDIX A. Annual Report of the Code of Student Conduct and Disciplinary Procedures (2018-19)

Submitted by Christopher Buddle, Dean of Students
& Glenn Zabowski, Associate Dean of Students

OVERVIEW

The Code of Student Conduct and Disciplinary Procedures (the "Code") is an important policy at McGill: it outlines the responsibilities of students for both academic and non-academic matters. It is a policy that contains definitions about misconduct, but also details a full disciplinary process, and an appeal process. The Code ensures students' rights to a fair process are maintained and it is a frequently used policy at McGill.

The mandate of the Committee on Student Discipline (CSD), its role, and membership, are also embedded within the Code. The committee is a tribunal rather than a policy committee; it functions when convened to consider disciplinary cases brought to its attention. The policies administered by CSD are normally brought to Senate, after appropriate consultations by the Dean of Students. The business of the CSD is conducted by the Office of the Dean of Students and by Disciplinary Officers (DOs). The Dean and Associate Dean of Students are not themselves Disciplinary Officers, but are fully engaged in ensuring that the processes for the Code are followed and respected.

The Dean of each Faculty, of the School of Continuing Studies, of the Libraries and of Graduate and Postdoctoral Studies, the Executive Director of Athletics and Recreation and the Senior Director of Student Housing & Hospitality are officially appointed as Disciplinary Officers. The Faculty Deans routinely deputize one or more members of their staff to act as Disciplinary Officers. Student Housing & Hospitality deputizes Residence Life Managers (RLMs), to oversee non-academic offences that occur in the Residence halls.

THE DISCIPLINARY PROCESS

Any allegation of a possible academic violation of the Code of Student Conduct and Disciplinary Procedures is normally forwarded directly to the appropriate Disciplinary Officer. Non-academic offices are first reported to the Office of the Dean of Students and subsequently assigned to a Disciplinary Officer. The Disciplinary Officer will investigate the allegation and call the student to a disciplinary interview if warranted, after which the Disciplinary Officer will decide upon whether there is a finding of responsibility and if so, assign sanctions.

At any time during the process, a Disciplinary Officer or student may decide to send a case to the Committee on Student Discipline where they would present the case. In this situation the committee would decide upon a finding of responsibility and sanctions. CSD also meets when a student on conduct probation after a disposition is alleged to have violated the same article of the Code as the previous case, or when a student appeals a decision by a Disciplinary Officer after a disciplinary interview. A Disciplinary Officer can cede a case to another Disciplinary Officer if they feel there is a conflict of interest or if they feel their handling of the case would be inappropriate for any reason.

The Disciplinary Officer's job is challenging since each student's situation is unique and must be treated as such. Regular meetings and training of all the Disciplinary Officers and members of the CSD help ensure that there is a common understanding of how the Code should be interpreted and what constitutes appropriate sanctions. The Office of the Dean of Students serves as a resource to students, to Disciplinary Officers and to members of the CSD regarding matters related to the Code.

AGGREGATE CASE STATISTICS FOR THE 2018-2019 ACADEMIC YEAR

This Annual Report includes all discipline cases formally addressed during the last academic year at McGill University. CSD hearings comprise 1% of this total. 225 students participated in the discipline process last academic year. Some students were involved in more than one case and others were involved in interim orders (exclusion / cease & desist communication) which did not result in a disposed case. More than one article of the Code may be cited for some cases.

Statistical Overview of Disciplinary Cases for Sept. 1, 2016 to Aug. 31, 2019

	1 September 2016 to 31 August 2017			**1 September 2017 to 31 August 2018**			**1 September 2018 to 31 August 2019**		
	Total	**Academic**	**Non-Academic**	**Total**	**Academic**	**Non-Academic**	**Total**	**Academic**	**Non-Academic**
Total Number of Cases	192	149	43	264	202	62	222	201	21
Adjudicated by the DO	188	148	40	257	198	59	220	200	20
Adjudicated by CSD	4	1	3	7	4	3	2	1	1
Cases in Progress*	15	10	5	5	4	1	12	11	1

*Cases not closed are carried over to the following academic year.

2018-2019 Detailed Analysis

ACADEMIC OFFENCES (Adjudicated by Disciplinary Officers)

For the range of articles in the Code addressing academic offences, please refer to Appendix B. In 2018-19, the majority of the decisions (69.5%) were plagiarism while 29.1% of the decisions were cheating; these figures are similar to past years where there has been a ratio of approximately 2 or 3 to 1.

NON-ACADEMIC OFFENCES (Adjudicated by Disciplinary Officers)

For the range of Articles in the Code addressing non-academic offences, please refer to Appendix C. In 2018-19, 13 or 52% of the decisions were for Article 10 (Physical Abuses, Harassment and Dangerous Activity). This compares to 32 decisions or approximately 42.7% in 2017-18 and 25 decisions or approximately 44% in 2016-17. Article 10 is usually the most common allegation for non-academic offenses.

CASES REFERRED TO THE COMMITTEE ON STUDENT DISCIPLINE

Two student cases were heard by the Committee on Student Discipline in 2018-19, both carrying over from 2017-18. Seven student cases were heard by the Committee on Student Discipline in 2017-18. One CSD hearing is pending and will be included in the 2019-20 annual report. Cases still pending generally result from the non-availability of the students after spring and summer exam sessions or due to off-campus semesters. In the last several academic years, there has been a higher proportion of students appealing DO dispositions, although many eventually withdraw their cases before CSD is convened. The Articles addressed at CSD are found in Appendix D. The undergraduate and graduate student breakdown is not provided in order to protect the confidentiality of outcomes.

ORDER TO CEASE AND DESIST COMMUNICATION

Where a student's conduct gives rise to reasonable grounds to believe that the student's continued communication with a member or members of the University community constitutes a threat to the well-being of a member or members of the University community, under Article 21(a) of the Code, the Disciplinary Officer may order the student to immediately cease and to desist from such communications for a maximum of 15 days. In 2018-19, 5 students were ordered to cease and desist communication for periods of varying duration. This compares to 5 students in both 2017-18 and 2016-17.

EXCLUSION FROM CAMPUS AND/OR RESIDENCES & STUDENT HOUSING

Article 21(b) of the Code provides conditions for exclusion of a student from an area of campus or from the University for reasons of maintaining good order or for the safety of others. In 2018-19, 11 students were excluded for periods of varying duration from an area of campus or from the University. This compares to 11 students in 2017-18 and 4 students in 2016-17.

DISCIPLINARY CLEARANCES

The Office of the Dean of Students keeps the University's official records related to student discipline. Any request for a disciplinary status report (disciplinary clearance) must come from the student to the Dean of Students. In 2018-19, 215 disciplinary clearance letters were prepared.

COMMENTS BY THE DEAN AND ASSOCIATE DEAN OF STUDENTS

After dropping to 192 cases 2016-17 (the lowest since 2005-06), the total number of cases returned to more typical levels at 264 cases in 2017-18. The 222 cases in 2018-19 is reflective of typical academic years since 2013-14 where there have been about 200-300 cases with a disposition. The number of academic cases was nearly the same as last year (202 in 2017-18 vs. 201 in 2018-19). There are always fluctuations yearly in the number of cases, and once again the 2018-19 numbers seem similar to the numbers in the five previous years. It is essential that the community uses the Code of Conduct when there is a possible violation of an academic or non-academic offence, as this ensures there is a fair process for students.

There was a noticeable 66% decrease in non-academic cases (62 vs. 21 cases) due in large part to a decline in the amount of cases from our Residence halls. The Residence Life Managers (RLMs) and Floor Fellows have also been using appropriate informal resolutions to many situations, and/or using their revamped "Code of Community Living (CCL)".

Of the cases in 2018-19, 54 were from Arts, 46 from Graduate and Postdoctoral Studies, 38 from Engineering, 23 from Science, 15 from Management, 11 from Agricultural and Environmental Sciences, and 9 from Residences. The remaining 26 students are distributed among six other Faculties and Schools. Thus, 20.7% or approximately 1 in every 5 of the cases involved graduate students.

The number of decisions involving plagiarism were slightly lower than the year before (141 versus 152 in 2017-18). The number of decisions involving cheating increased slightly to 59 from 44 in 2017-18.

Exonerations, in which it is deemed there is a lack of clear, convincing and reliable evidence, accounted for 23.4% of academic offence decisions and 28% of non-academic decisions; these are similar to past years. Historically, about one third of all decisions result in an exoneration.

There were 156 admonishments in the discipline process in 2018-19 compared to 198 in 2017-18.

There were two reprimands in the discipline process in 2018-19 compared to ten in 2017-18, and four in 2016-17. Reprimands are an official disciplinary record, held by the Office of the Dean of Students. Disclosures of disciplinary records are done only with the consent of the student.

A total of 77 decisions of conduct probation for periods of varying duration was made (compared to 138 in 2017-18). "Conduct probation" means a sanction whereby a student is officially advised that any allegation of the same article of the Code, during a specified period of time, shall be referred to the CSD. As part of this sanction, one or more conditions reasonably related to the offence or offences may also be imposed. The most common sanction for academic cases is a grade of 0 or F for the course component in question.

CONCLUSION AND THANKS

Service as a Disciplinary Officer (Appendix E) and as a CSD member (Appendix F) demands an important investment of time by the staff and students appointed to these positions. Many thanks to all for their attention to detail and to approved procedures, and for the respectful environment maintained in all disciplinary matters. These are demanding roles that involve using a range of tools and strategies to maintain order and assure the principles of academic integrity are respected. This also includes the application of the Code to balance the rights of complainants, persons under allegation and the wider community of McGill University.

Many key issues in our community are played out through the discipline system, such as, the limits of freedom of expression, the accommodation of students with disabilities or severe mental illness, and the extent of the "University context" – i.e. where does McGill University have jurisdiction, and where does it not? Staff and students are on the frontline of these key debates and they make difficult decisions on a daily basis that can have consequences not only for individuals, but for our community as a whole. Much appreciation to all those involved.

Appendix B: Allegations of Academic Offences Adjudicated by Disciplinary Officers

Article – Decision*	16	17	18	19	Totals
Exonerated	33	29	1	0	**63**
Admonished	106	30	0	2	**138**
Reprimand	1	0	0	0	**1**
TOTALS	**140**	**59**	**1**	**2**	**202 decisions**

Article 16 (Plagiarism)
Article 17 (Cheating)
Article 18 (Confidential and Copyrighted Materials)
Article 19 (Misrepresentation of Facts)

**Some students have more than one case and/or more than one allegation per Article of the Code.*

Appendix C: Allegations of Non-Academic Offences Adjudicated by Disciplinary Officers

Article – Decision*	5	7	8	10	11	Totals
Exonerated	1	0	1	4	0	**6**
Admonished	1	4	2	8	2	**17**
Reprimand	0	0	0	1	0	**1**
TOTALS	**2**	**4**	**3**	**13**	**2**	**24 decisions**

Article 5 (Obstruction)
Article 7 (Unauthorized Entry and/or Presence)
Article 8 (Theft, Damage and Destruction of Property)
Article 10 (Physical Abuses, Harassment and Dangerous Activity)
Article 11 (Unauthorized or Fraudulent Use of University Resources, Equipment or Services)

**Some students have more than one case and/or more than one allegation per Article of the Code.*

Appendix D. Allegations Referred to the Committee on Student Discipline (CSD)

Article – Decision	11	16	Totals
Exonerated	1	0	**1**
Admonished	0	1	**1**
Reprimand	0	0	**0**
TOTALS	**1**	**1**	**2 decisions**

APPENDIX E. 2018-2019 DISCIPLINARY OFFICERS

AREA	DISCIPLINARY OFFICERS
Faculty of Agricultural and Environmental Sciences	Prof. Jim Fyles, Associate Dean (Student Affairs)
Faculty of Arts	Prof. Miranda Hickman, Acting Associate Dean (Student Affairs)
Athletics	Mr. Philip Quintal, Associate Director, Department of Athletics
School of Continuing Studies	Dr. James Archibald, Director (Translation & Written Communication)
Faculty of Dentistry	Dr. Michel El-Hakim, Program Director
Faculty of Education	Prof. Lisa Starr, Director, Office of Student Teaching, Undergraduate Programs
Faculty of Engineering	Prof. David Frost, Associate Dean (Student Affairs) Prof. Dennis Giannacopoulos Prof. Frank Ferrie Prof. Srikar Vengallatore
Graduate and Postdoctoral Studies	Dr. Lorraine Chalifour, Associate Dean Prof. Robin Beech, Associate Dean Prof. France Bouthilier, Associate Dean
Faculty of Law	Prof. Vrinda Narain, Associate Dean (Academic)
Libraries	Mr. Jeffry Archer, Associate Dean (User Services),
Desautels Faculty of Management	Mr. Larry Goldsman (Undergraduate Programs) Prof. Alfred Jaeger (Masters Programs) Prof. Corey Phelps (Executive Programs)
Medical Education Programs	Dr. Beth-Ann M. Cummings, Associate Dean (Undergraduate Medical Education)
	Dr. Armand Aalamian, Associate Dean (Postgraduate Medical Education)
	Mrs. Josée Bonneau, Director of the Master's Program of the ISON
	Dr. Laurie Snider, Associate Dean and Director, School of Physical and Occupational Therapy
Faculty of Science	Ms. Nicole Allard, Director, Advising Services Backup: Mr. Pete Barry, Chief Academic Advisor

AREA	DISCIPLINARY OFFICERS
Schulich School of Music	Prof. Douglas McNabney, Associate Dean (Academic and Student Affairs)
Residences	Mr. Brent Madigan: *All Residences* Mr. Jonathan Nordland: *Royal Victoria College, MORE Houses (Undergrad) & EVO Old Montreal* Ms. Erin Schwabe-Fry (until Jan. 2019) & Warren Haydock (from Jan. 2019): *Douglas & McConnel Hall* Mr. Avik (Jim) Ghoshdastidar: *Solin Hall* Mr. Gerald (Gerry) Greco: *Molson & Gardner* Ms. Lindsay O'Connell: *Laird Hall & Eco Residence* Mr. Luke Walker: *New Residence* Mr. Kayin Queeley: *Carrefour Sherbrooke & La Citadelle*

APPENDIX F. CSD COMPOSITION IN 2018-2019

NAME	FACULTY	TERM (ending 31 Aug.)
Student Members (12)		
Caitlin Mehrotra	SSMU: Medicine	2019
Husayn Jamal	SSMU: Arts	2019
Rebecca Scarra	SSMU: Arts	2019
Linda Muhugusa Murhimanya	SSMU: Law	2019
Sebastien Oudin-Filipecki	SSMU: Arts	2019
Dakota Rogers	PGSS: Medicine	2019
Oana Stefanescu	PGSS: Law	2019
Kristi Kouchakji	PGSS: Arts	2019
Austin Rikley-Krindle	MCSS: School of Environment	2019
An Bui	MCSS: Life Sciences	2019
Rod Louisa	MACES: Grad. Cert. in Leadership	2019
Lana Kobeici	MACES: Grad. Cert. in Leadership	2019
Chairs		
Richard Leask **(Chair)**	Engineering (Chemical)	2021
Michael Hendricks **(Vice-Chair)**	Science (Biology)	2020
Faculty (8)		
Heather Goad	Arts (Linguistics)	2019
Brett Meyer	Engineering (Electr&Comp)	2019
Gonzalo Cosa	Science (Chemistry)	2019
David Ragsdale	Medicine (Neurology)	2019
Hamid Etemad	Management	2020
Antonia Arnaert	Medicine (Nursing)	2021
Kathy Roulet	FAES (School of Environment)	2021
Jason Carmichael	Arts (Sociology)	2021
Assessors		
Didem Dogar	Law	2020
Richard Janda	Law	2021
Secretaries		
Christopher Buddle	Dean of Students	
Glenn Zabowski	Associate Dean of Students	