



# Memorandum

Office of the Dean of Students

William & Mary Brown Student Services Building  
Suite 2100

Tel: (514) 398-4990

**TO:** Senate

**FROM:** Professor Robin Beech, Dean of Students

**SUBJECT:** Annual Report of the Code of Student Conduct and Disciplinary Procedures (2020-21)

**DATE:** November 17, 2021

**DOCUMENT #:** D21-19

**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 2020-2021 Annual Report of the Code of Student Conduct and Disciplinary Procedures for information. Over the 2020-2021 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.

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<b>PRIOR CONSULTATION</b>	Disciplinary Officers and members of the CSD.
<b>SUSTAINABILITY CONSIDERATIONS</b>	N/A
<b>IMPACT OF DECISION AND NEXT STEPS</b>	The report will be presented to the Board of Governors on January 12 <sup>th</sup> , 2022 for information.
<b>MOTION OR RESOLUTION FOR APPROVAL</b>	This item is presented for information.
<b>APPENDICES</b>	<p><u>Appendix A:</u> Annual Report of the Code of Student Conduct and Disciplinary Procedures (2020-21).</p> <p><u>Appendix B:</u> Allegations of Academic Offences Adjudicated by Disciplinary Officers.</p> <p><u>Appendix C:</u> Allegations of Non-Academic Offences Adjudicated by Disciplinary Officers.</p> <p><u>Appendix D:</u> 2020-21 Disciplinary Officers.</p> <p><u>Appendix E:</u> CSD Composition in 2020-21.</p>

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## **APPENDIX A. Annual Report of the Code of Student Conduct and Disciplinary Procedures (2020-21)**

**Submitted by**  
**Prof. Robin Beech, 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 and School, 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 offences 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 handling by the other Disciplinary Officer would be more appropriate 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 2020-2021 ACADEMIC YEAR**

This Annual Report includes all discipline cases formally addressed during the last academic year at McGill University. 420 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, 2018 to Aug. 31, 2021\***

	<b>1 September 2018 to 31 August 2019</b>			<b>1 September 2019 to 31 August 2020</b>			<b>1 September 2020 to 31 August 2021</b>		
	<b>Total</b>	<b>Academic</b>	<b>Non-Academic</b>	<b>Total</b>	<b>Academic</b>	<b>Non-Academic</b>	<b>Total</b>	<b>Academic</b>	<b>Non-Academic</b>
<b>Total Number of Cases</b>	222	201	21	261	243	18	466	223	243
<b>Adjudicated by the DO</b>	220	200	20	258	242	16	464	222	242
<b>Adjudicated by CSD</b>	2	1	1	3	1	2	2	1	1

\*Cases not closed in a current year are always carried over to the following academic year. Cases still pending generally result from the non-availability of the students after spring and summer exam sessions, due to off-campus semesters or case backlogs in Faculties/Schools.

## **2020-2021 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 2020-21, a majority of the decisions (59.9%) were plagiarism while 38.7% of the decisions were cheating; these figures are similar to past years where there has been a ratio of approximately 1.5 or 2 to 1.

Even prior to the COVID-19 pandemic, certain Faculties experienced high volumes of allegations in specific courses or at specific times of year. This was at times due to the nature of the assessment and at other times due to the availability of external online information sharing websites/services. The COVID-19 pandemic only exacerbated this trend with remote delivery of courses and restrictive public health directives in Student Housing.

The current discipline process was not built to accommodate a large number of students being reported to a Disciplinary Officer at one time in a course (for example 50-100 students), especially for an assessment worth a small percentage of a final course grade (i.e. 5-10%). As such some larger Faculties and Residences have begun to employ a “no contest” approach, with the approval of the Office of the Dean of Students. This involves giving the student a choice after presenting evidence of an allegation – take a standard consequence (such as a 0 grade on the assessment) or proceed to the formal process with a disciplinary interview.

Students selecting the “no contest” option avoid the formal discipline process thus full statistics are not published in this report. The larger Faculties (Arts, Science, Engineering, Management) and Residences employed the “no contest” approach last academic year. In a given semester a Faculty would send anywhere from 10 – 300 “no contest” offers. Normally 80%-95% of students accept the offer and standard penalty. The rest either go to interview or cases are dismissed due to lack of evidence. For Student Housing the accepted “no contest” option resulted in an exclusion from Residences. Students selecting the “no contest” option proceed directly to a formal disciplinary interview for a second allegation under the Code. The formal disciplinary interview remains the default route in most discipline situations.

The Office of the Dean of Students, along with many other stakeholders at McGill University, continue to educate students about academic integrity through a variety of means, and encourage assessment practices that promote academic integrity within Faculties and Schools. Finally, while just a few years ago most Faculties employed only one Disciplinary Officer, several now employ a few or even more than four or five.

### **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 2020-21, 244 decisions or 98.8% were for Article 10 (Physical Abuses, Harassment and Dangerous Activity). This compares to 13 decisions or 76.5% in 2019-20 and 13 decisions or approximately 52% in 2018-19. Article 10 is usually the most common allegation for non-academic offenses. 2020-21 can be explained by repeated violations of COVID-19 regulations in Residences and fewer allegations of other non-academic articles due to the reduced number of students on campus during the 2020-21 academic year of remote delivery.

## **CASES REFERRED TO THE COMMITTEE ON STUDENT DISCIPLINE**

Two student cases were heard by the Committee on Student Discipline in 2020-21. Both cases were reprimands, one for Article 10, the other for Article 16. Three student cases were heard by the Committee on Student Discipline in 2019-20. 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. These cases include both undergraduate and graduate students.

## **ORDER TO CEASE AND DESIST COMMUNICATION**

Article 21(a) of the Code sets out conditions when a Disciplinary Officer may order a student to immediately cease and to desist communications with another member of the McGill community, for a maximum of 15 days. These include situations where a student's conduct gives reasonable grounds to believe that the student's continued communication constitutes a threat to the well-being of another member of the University community. This is not a sanction and is not the result of a disciplinary process, although a disciplinary process may follow. In 2020-21, no students (0) students were ordered to cease and desist communication for periods of varying duration under Article 21(a). This outlying number is most likely due to the reduced number of students on campus during the 2020-21 academic year of remote delivery. This compares to 4 students in 2019-20 and 5 students in 2018-19.

## **EXCLUSION FROM CAMPUS AND/OR RESIDENCES & STUDENT HOUSING**

Article 21(b) of the Code provides conditions for the temporary 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. Such an exclusion has a maximum of 10 days but may be extended through approval of a subcommittee of the CSD. Again, this is not a sanction and is not the result of a disciplinary process, although a disciplinary process may follow. In 2020-21, 51 students were excluded for periods of varying duration from Student Housing. This outlying number is related to repeated violations of COVID-19 regulations in Residences. This compares to 6 students in 2019-20 and 11 students in 2018-19.

## **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 2020-21, 226 disciplinary clearance letters were prepared.

## COMMENTS BY THE OFFICE OF THE DEAN OF STUDENTS

Normally, since 2013-14, a typical academic year would see 200-300 cases with a disposition. In part due to the COVID-19 pandemic and mainly remote course delivery, the distribution of cases has shifted much more towards non-academic cases. Also, as alluded to earlier in the report, while academic cases remained steady, they would have been higher without the “no contest” option necessitated by Disciplinary Officer workload issues. There were 223 formal academic discipline cases in 2020-21 compared with 243 in 2019-20 and 201 in 2018-19. The number of decisions involving plagiarism were lower than the year before (133 versus 165 in 2019-20) and the number of decisions involving cheating increased to 86 from 72 in 2019-20.

There are always fluctuations yearly in the number of cases and it is essential that the community uses the Code of Conduct when there is a possible violation of an academic or non-academic article of the code, as this ensures there is a fair process for students.

Of the cases in 2020-21, 292 were from Student Housing, 72 were from Arts, 37 were from Engineering, 32 from Science, 30 from Continuing Studies, and 23 from Graduate and Postdoctoral Studies. The remaining cases are distributed among the other Faculties/Schools. Normally 1 in every 5 of the cases involve graduate students, however last academic year skewed by repeated violations of COVID-19 regulations in undergraduate Residences and remote course delivery, about 5% of cases involved graduate students.

Exonerations, in which it is deemed there is a lack of clear, convincing, and reliable evidence, accounted for 29.7% of academic offence decisions and 10.7% of non-academic decisions; these are similar to past years. Historically, about one in four or five of all decisions result in an exoneration, which is an encouraging sign of a fair and robust process.

There were 363 admonishments in the discipline process in 2020-21 compared to 226 in 2019-20. There were 13 reprimands in the discipline process in 2020-21 compared to two in both 2018-19 and 2019-20. Unlike admonishments, reprimands are an official disciplinary record, held by the Dean of Students Office (but this does not show up on a transcript). An official disciplinary record may impact the student’s eligibility for membership in certain professional organizations or government or civil service positions, or acceptance to certain academic institutions or programs. Thus, a reprimand is a potentially a much more serious outcome and thus is reserved for the most serious of cases. Disclosures of disciplinary records are done only with the consent of the student.

A total of 295 decisions of conduct probation for periods of varying duration were made (compared to 182 in 2019-20). “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, may 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.

The disciplinary process allows for the student to be accompanied by an advisor, who must be a member of the McGill community and not paid for the service. The Office of the Dean of Students would like to draw special attention to [Student Advocacy](#). This long-standing student run organization provides advisors specifically to assist students through the disciplinary process. The service provided by Student Advocacy is exemplary and many thanks to them for their continued dedication.

Many key issues in our community are played out through the discipline system, such as, academic integrity during remote course delivery, the limits of freedom of expression, new and changing technology, 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	32	33	0	1	<b>66</b>
Admonished	98	51	1	1	<b>151</b>
Reprimand	3	2	0	0	<b>5</b>
<b>TOTALS</b>	<b>133</b>	<b>86</b>	<b>1</b>	<b>2</b>	<b>222 decisions</b>

*Article 16 (Plagiarism)*

*Article 17 (Cheating)*

*Article 18 (Confidential and Copyrighted Materials)*

*Article 19 (Misrepresentation of Facts)*

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

Article – Decision*	5	7	10	11	Totals
Exonerated	0	0	26	0	<b>26</b>
Admonished	0	1	211	0	<b>212</b>
Reprimand	1	0	4	1	<b>6</b>
<b>TOTALS</b>	<b>1</b>	<b>1</b>	<b>241</b>	<b>1</b>	<b>244 decisions</b>

*Article 5 (Obstruction)*

*Article 7 (Unauthorized Entry and/or Presence)*

*Article 10 (Physical Abuses, Harassment and Dangerous Activity)*

*Article 11 (Unauthorized or Fraudulent Use of University Resources, Equipment or Services)*

**APPENDIX D. 2020-2021 DISCIPLINARY OFFICERS**

<b>AREA</b>	<b>DISCIPLINARY OFFICERS</b>
<b>Faculty of Agricultural and Environmental Sciences</b>	Prof. Valérie Orsat, Associate Dean (Student Affairs)
<b>Faculty of Arts</b>	Prof. Lucy Lach, Associate Dean (Student Affairs)
<b>Athletics</b>	Mr. Philip Quintal, Associate Director, Department of Athletics
<b>School of Continuing Studies</b>	Dr. Sue Laver, Interim Associate Dean (Academic), Director McGill Writing Centre
<b>Faculty of Dentistry</b>	Dr. Michel El-Hakim, Program Director
<b>Faculty of Education</b>	Prof. Lisa Starr, Director at Office of Internships and Student Affairs
<b>Faculty of Engineering</b>	David Frost – Associate Dean, Student Affairs Dennis Giannacopoulos, Professor, Dept. of ECE Dimitrios Berk, Professor, Dept. of Chemical Engineering Frank Ferrie, Professor, Dept. of ECE Inna Sharf, Professor, Dept. of Mechanical Engineering
<b>Graduate and Postdoctoral Studies</b>	Dr. Lorraine Chalifour, Associate Dean Prof. Russell Steele, Associate Dean Prof. Nathan Hall, Associate Dean
<b>Faculty of Law</b>	Prof. Rosalie Jukier, Associate Dean (Academic)
<b>Libraries</b>	Sonia Smith
<b>Desautels Faculty of Management</b>	Lindsay Holmgren (Undergraduate Programs) Prof. Alfred Jaeger (Masters Programs)
<b>Medical Education Programs</b>	Dr. Mélanie Mondou, Associate Dean (Undergraduate Medical Education)
	Dr. Regina Husa, Associate Dean (Postgraduate Medical Education)
	Mrs. Josée Bonneau, Director of the Master’s Program of the Ingram School of Nursing
	Dr. Laurie Snider, Associate Dean and Director, School of Physical and Occupational Therapy
<b>Faculty of Science</b>	Prof. Anthony Mittermaier, Associate Dean , Student Affairs, Faculty of Science (SOUSA) Mr. Pete Barry, Chief Advisor, Faculty of Science, SOUSA

AREA	DISCIPLINARY OFFICERS
	Prof. Michael Hilke, Dept. of Physics Prof. Jérôme Vétois, Dept. of Mathematics & Statistics Prof. Rosalie Belanger-Rioux, Dept. of Mathematics & Statistics Prof. Bradley Siwick, Dept. of Chemistry
<b>Schulich School of Music</b>	Prof. Douglas McNabney, Associate Dean (Academic and Student Affairs)
<b>Residences</b>	Residence Life Managers (RLMs) <ul style="list-style-type: none"> <li>• Lei Liang</li> <li>• Warren Haydock</li> <li>• Gillan Latour</li> </ul> Assistant Residence Life Managers (ARLMs) <ul style="list-style-type: none"> <li>• Logan Kinghorn</li> <li>• Karman Jeji</li> </ul> Other: <ul style="list-style-type: none"> <li>• Lindsay O'Connell - Residence Life &amp; Accommodations Manager at Macdonald Campus</li> <li>• Andrew Persons - Assistant Manager, Athletics and Recreation</li> <li>• Sonia Smith - Libraries</li> </ul>

## APPENDIX E. CSD COMPOSITION IN 2020-2021

Secretary:

The Dean of Students (Professor Robin Beech)

The Associate Dean of Students (Mr. Glenn Zabowski)

Chair: Professor Richard Leask (Chemical Engineering, ENGINEERING) - 2021

Vice-Chair: Professor Antonia Arnaert (Nursing, MEDICINE) - 2021

Eight members of the academic staff:

Ms. Kathy Roulet (School of Environment, AES) – 2021

Professor Jason Carmichael (Sociology, ARTS) – 2021

Professor Elsbeth Heaman (History and Classical Studies, ARTS) – 2022

Professor Michael Hoover (Educational and Counselling Psychology, EDUCATION) – 2022

Professor James Martin (Medicine, MEDICINE) – 2022

Professor Tamara Western (Biology, SCIENCE) – 2022

Professor Lisa Starr (Integrated Studies in Education, EDUCATION) – 2023

Professor Vrinda Narain (LAW) – 2023

Three or more legal assessors:

Professor Ram Jakhu - 2022

Mr. Mirosław Sadowski - 2023

Ms. Salima Djerroud - 2023

Five SSMU representatives:

Addy Parsons

Adrienne Tessier

Danielle Maor

Jonah Fried

Daniel Minden

Three PGSS representatives:

Anirudh Bakshi

Kristi Kouchakji

Vacant

Two MCSS representatives:

Patricia Sung

Marie Prémont-St-Jean

Two MACES representatives:

Dahlia Dias

Avery Bonair-Cyrus