



Memorandum

Office of the Dean of Students
2100, Brown Building
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TO: Senate

FROM: Robin Beech, Dean of Students

SUBJECT: Annual Report on the Code of Student Conduct and Disciplinary Procedures 2021-2022

DATE: November 16, 2022

DOCUMENT #: D22-18

ACTION REQUIRED: INFORMATION APPROVAL/DECISION

ISSUE This Annual Report on the Code of Student Conduct and Disciplinary Procedures is presented 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 2021-2022 Annual Report of the Code of Student Conduct and Disciplinary Procedures for information. Over the 2021-2022 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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| PRIOR CONSULTATION | Disciplinary Officers and members of the CSD. |
| SUSTAINABILITY CONSIDERATIONS | N/A |
| IMPACT OF DECISION AND NEXT STEPS | This report will be presented to the Executive Committee of the Board of Governors on January 11, 2023. |
| MOTION OR RESOLUTION FOR APPROVAL | This item is presented for information. |
| APPENDICES | <p><u>Appendix A:</u> Annual Report of the Code of Student Conduct and Disciplinary Procedures (2021-2022).</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> 2021-22 Disciplinary Officers.</p> <p><u>Appendix E:</u> CSD Composition in 2021-2022.</p> |

D22-18 Appendix A

Annual Report of the Code of Student Conduct and Disciplinary Procedures (2021-2022)

Submitted by: Professor Robin Beech, 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.

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 whether there is a finding of responsibility and if so, assign sanctions.

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 (CSD). In this situation the committee would decide on 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. 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 another 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 2021-2022 Academic Year

This Annual Report includes all discipline cases formally addressed during the last academic year at McGill University. Five hundred and seventy nine students participated in the discipline process last academic year. Some students were involved in more than one case. More than one article of the Code may be cited for some cases. Six students were involved in interim orders (exclusion / cease & desist communication) which are not disciplinary in nature.

Statistical Overview of Disciplinary Cases for Sept. 1, 2020 to Aug. 31, 2022*

| | 2019-09-01 to 2020-08-31 | | | 2020-09-01 to 2021-08-31 | | | 2021-09-01 to 2022-08-31 | | |
|------------------------------|--------------------------|--------------|-------|--------------------------|--------------|-------|--------------------------|--------------|-------|
| | Academic | Non-Academic | Total | Academic | Non-Academic | Total | Academic | Non-Academic | Total |
| Adjudicated by the DO | 242 | 16 | 258 | 222 | 242 | 464 | 319 | 260 | 579 |
| Adjudicated by CSD | 1 | 2 | 3 | 1 | 1 | 2 | 0 | 0 | 0 |
| Total | 243 | 18 | 261 | 223 | 243 | 466 | 319 | 260 | 579 |

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

2021-2022 Detailed Analysis

Academic Offences (Adjudicated by Disciplinary Officers)

The 2020-21 academic year was essentially online which resulted in a large increase in the number of academic offences from the year before. Opportunities for cheating and plagiarism increased dramatically with online assessments. The 2021-22 academic year began with a return to in person classes but large classes remained online with many classes offering a hybrid option.

The Code of Conduct was not designed to handle such a large volume of complaints. Disciplinary Officers interview students one-on-one to assess their case and allow students an opportunity to explain the evidence, often with an Advocate present. There is little incentive to volunteer as a Disciplinary Officer and so we rely on their willingness to accept a high

workload. A number of new Disciplinary Officers have taken up the role over the past year but the high case volume and workload has led to others leaving their positions.

One solution was the adoption of the "No Contest" letter, as explained in the Disciplinary Report last year. These agreements are overseen by the Faculties and are not disciplinary, which is why they are not detailed in this report. The letter typically explains that a complaint has been received and that if the student prefers to accept a standard grade penalty, there would be no disciplinary case. Students do not have to accept the "No Contest" offer and always retain the right to a disciplinary process.

Comparison of the 2019-2020 and 2020-2021 academic years shows a similar numbers of academic cases despite the high volume of complaints brought under the Code. This was due to a large percentage of students accepting a "No Contest" agreement.

The numbers of academic offences in the 2021-22 academic year increased by about 50 % compared to the previous year. This increase results from a combination of continued online assessments, a decrease in the use of the "No Contest" option and a large number of cases raised in the 2020-21 academic year but only resolved, and thus reported in the 2021-22 academic year.

In the 2020-21 academic year, some Faculties were offering as many as 300 "No Contest" letters per semester, with an acceptance rate of more than 80 %. In the 2021-22 academic year these numbers had fallen to between 50-100 per semester, with a similar acceptance rate of about 80%. I expect these number to continue to fall due to the expected decrease in academic complaints with in person activities and an increase in the number of Disciplinary Officers.

For the range of articles in the Code addressing academic offences, please refer to Appendix B. In 2021-22, a majority of the decisions (27%) were plagiarism (Article 16) while 70% of the decisions were cheating (Article 17). In previous years, the percentages were reversed, with more plagiarism than cheating. This past year, the increase in cheating reflects the reality of online assessments and ease of improper collaboration between students.

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.

Non-Academic Offences (Adjudicated by Disciplinary Officers)

A large majority of non-academic offences occur in University Student Housing. The health regulations in 2020-21 created new scenarios where behaviour that was acceptable prior to 2020, was in breach of the Code of Student Conduct. As a result there were many more opportunities to be in breach of the Code. The number of non-academic cases rose from 16 to over 240 in 2020-21, in addition to the large number of "No Contest" agreements. Health regulations were still in effect through part of 2021-22 but were reduced from the previous year. The number of non-academic cases last year rose by 18 over the previous year, but all cases from student housing this past year went through a disciplinary process. No "No Contest" agreements were used by Student Housing in the past year.

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 a safety measure, not a sanction and is not the result of a disciplinary process, although a disciplinary process may follow. In 2021-22, one student was ordered to cease and desist communication under Article 21(a). This compares to two students in 2020-21 and four students in 2019-20.

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 a safety measure, not a sanction and is not the result of a disciplinary process, although a disciplinary process may follow. In 2021-22, five students were excluded for periods of varying duration. This compares to 51 students in 2020-21 and six students in 2019-20.

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 2021-22, 179 disciplinary clearance letters were prepared.

Comments by the Office of the Dean of Students

The last two years have been particularly challenging for everyone. The increase in academic offences compared to before 2020 and the change in nature of those offences has been dramatic and highlights the importance of in person activities for the academic life of the University. The increased demand on an Instructor's time to identify cheating and plagiarism and collect evidence, on a Disciplinary Officer's time to ensure a fair and appropriate outcome, on Administrators' time to ensure the process, all come at the cost of time spent on other essential activities. The significance of stress for students of being notified of a complaint, the interview process and a significantly longer than usual time before receiving a decision can not be minimized. Learning from this experience it will be important to pay attention to the style of assessments used to evaluate academic performance and emphasize those that minimize the opportunity for a breach of the Code.

The use of "No Contest" letters was implemented under very difficult circumstances and they have been essential to ensure that the disciplinary process could continue at all. Their use was guided by the fundamental right that students have to a timely response that ensures a fair, impartial, transparent process with a right to an appeal. Their use is expected to decrease as the backlog of disciplinary cases is cleared.

A large proportion of academic complaints lead to a disciplinary outcome of exoneration, where there is a lack of clear convincing and reliable evidence. Over the last several years, the proportions have been relatively stable. In the 2019-20 academic year, 31 % of academic complaints led to exoneration. In 2020-21, this proportion was 30 % and in the past year 27 %. Over the last three years the proportion of non-academic cases with a finding of exoneration were 25 %, 11 % and 12 %, although there were relatively few non-academic cases in 2019-20 which may explain the high proportion. These proportions are an encouraging sign of a fair and robust process.

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, those under allegation and the wider community of McGill University.

The disciplinary process allows for a 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 a service offered by the Legal Information Clinic of McGill. This long-standing student run organization provides advocates 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” that determines whether activities fall under our jurisdiction or 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. I would like to sincerely thank all those involved.

Appendix B: Allegations of Academic Offences Adjudicated by Disciplinary Officers

| Decision / Article* | 16 | 17 | 18 | 19 | Total |
|---------------------|----|-----|----|----|-------|
| Exonerated | 1 | 65 | 1 | 3 | 70 |
| Admonished | 68 | 111 | 2 | 1 | 182 |
| Reprimand | 1 | 5 | 0 | 1 | 7 |
| Total | 70 | 181 | 3 | 5 | 259 |

Note: One allegation for a student may refer to multiple articles of The Code

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

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

| Decision / Article* | 7 | 8 | 10 | 11 | Total |
|---------------------|---|---|-----|----|-------|
| Exonerated | 0 | 3 | 26 | 1 | 30 |
| Admonished | 2 | 1 | 219 | 1 | 223 |
| Reprimand | 0 | 0 | 7 | 0 | 7 |
| Total | 2 | 4 | 252 | 2 | 260 |

Note: One allegation for a student may refer to multiple articles of The Code

* 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. 2021-22 Disciplinary Officers

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| Faculty of Agricultural and Environmental Sciences | Prof. Valérie Orsat, Associate Dean (Student Affairs) |
| Faculty of Arts | Prof. Manuel Belán, Associate Dean (Student Affairs) |
| Athletics | Mr. Philip Quintal, Associate Director |
| Continuing Studies | Prof Derek Tannis Associate Dean (Student Success) Prof. Sue Laver Associate Dean (Academic) |
| Faculty of Dentistry | Prof. Michel El-Hakim, (Program Director) |
| Faculty of Education | Prof. Lisa Starr, Director (Office of Internships and Student Affairs) |
| Faculty of Engineering | Prof. David Frost, Associate Dean (Student Affairs) |
| Graduate and Postdoctoral Studies | Prof. Nathan Hall, Associate Dean (Arts) Prof. Lorraine Chalifour, Associate Dean (Medicine, Kinesiology, Dentistry, Physical Education, Management) Prof. Russel Steele, Associate Dean (Macdonald Campus, Science, Engineering, Law) |
| Faculty of Law | Prof. Rosalie Jukier, Associate Dean (Academic) |
| Libraries | Sonia Smith |
| Desautels Faculty of Management | Lindsay Holmgren (Undergraduate Programs) Prof. Alfred Jaeger (Masters Programs) |
| Medical Education Programs | 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 |
| Faculty of Science | Prof. Anthony Mittermaier, Associate Dean , Student Affairs, Faculty of Science Mr. Pete Barry, Chief Advisor, Faculty of Science 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 |
| Schulich School of Music | Prof. Andrea Creech, Associate Dean (Academic and Student Affairs) |
| Residences | Daniel Jason Fournier, Residence Life Manager and Interim Associate Director of Housing Cole Maier, Residence Life Manager Jen Colins , Residence Life Manager Umar Azmi, Residence Life Manager Lei Liang, Residence Life Manager Warren Haydock, Residence Life Manager Logan Kinghorn, Assistant Residence Life Manager Andrew Persons, Assistant Manager (Athletics and Recreation) |

Appendix E. CSD Composition in 2021-2022

Prof. Robin Beech, Dean of Students
Mr. Glenn Zabowski, Associate Dean of Students (Secretary)
Prof. Richard Leask, Chemical Engineering (Chair)
Prof. Lisa Starr, Integrated Studies in Education (Vice Chair)
Prof. Lara Khoury, Law (Vice Chair)
Prof. Ram Jakhu (Legal Assessor)
Mr. Miroslaw Sadowski (Legal Assessor)
Ms. Salima Djerroud (Legal Assessor)
Prof. Elsbeth Heaman, History and Classical Studies
Prof. Michael Hoover, Educational and Counselling Psychology
Prof. James Martin, Medicine
Prof. Tamara Western, Biology
Prof. Vrinda Narain, Law
Ms. Kathy Roulet, School of Environment
Prof. Brian Robinson, Geography
Prof. James Engert, Medicine
Arshiyah Ahsan (SSMU)
Avinash Arvind Krishendeholl (SSMU)
Nadia Dakdouki (SSMU)
James Osborne (SSMU)
Eve Cable (SSMU)
Kristi Kouchakji (PGSS)
Anais Pierre-Estime (MCSS)
Jacques Gross (MCSS)
Dahlia Dias (MACES)
Roubina Karaminassian (MACES)