

## **Appendix A. Annual Report of the Code of Student Conduct and Disciplinary Procedures (2022-2023)**

**Submitted by: Prof. 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. A CSD may impose sanctions beyond those at the disposal of a Disciplinary Officer, including suspension, dismissal and expulsion from the University. 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 2022-2023 Academic Year**

This Annual Report includes all discipline cases formally addressed during the last academic year at McGill University. Two hundred and thirty-three 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. Five students were involved in interim orders (exclusion / cease & desist communication) which are not disciplinary in nature.

### **Disciplinary Cases Concluded in Each Academic Year**

	<b>Academic</b>	<b>Non-Academic</b>	<b>CSD</b>	<b>Total</b>
<b>2020-09-01 to 2021-08-31</b>	223	243	2	466
<b>2021-09-01 to 2022-08-31</b>	319	260	0	579
<b>2022-09-01 to 2023-08-31</b>	198	35	8	233

### **Academic Offences**

The 2020-21 academic year was essentially online which resulted in a large increase in the number of academic offences from the year before. The 2021-22 academic year began with a return to in person activities but large classes remained online with many classes offering a hybrid option. The 2022-23 academic year returned to in person classes with some access to hybrid content with assignments and examinations in person for the most part.

The large increase in cases during COVID was beyond the capacity of the normal disciplinary process. As a result, a non-disciplinary, no-contest option was offered to students in a majority of cases for the 2020-21 academic year. The no-contest option was used substantially less often for the 2021-2022 academic year and is currently being phased out. Since the no-contest option was non-disciplinary, records on their use are maintained at the Faculty level. Available data covering the last three academic years is included in Appendix F for information.

The increase in the number of academic cases from 2020-21 to 2021-22 is attributed to a decrease in the number of exams being offered remotely, offset by a large carry over of cases where the complaint was made in the 2020-21 academic year but the final decision was made in the 2021-22 academic year. A similar carry over has increased the number of academic cases concluded in the 2022-23 academic year. The number of complaints reported continues to decrease with the return to in person assessments.

The range of Articles of the Code addressing academic offences are shown in Appendix B. The rate of exoneration overall was 36% compared to 27% last year. This increase can be accounted for almost exclusively by the number of Article 16 cheating complaints that led to exoneration last year (40/96 compared to 1/70). The reason for this difference is not yet clear. The rate of admonishment overall was 68% compared to 70% last year. The number of reprimands was approximately the same.

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**

The total number of non-academic disciplinary cases over the past year was dramatically reduced compared to the prior two years. 35 compared to 243 and 260 for 2020-21 and 2021-22 respectively. A great majority of the non-academic offences from 2020 to 2022 occurred in student housing as a consequence of the regulations imposed for COVID-19. The Code was unchanged during this period but there were many more opportunities for students to endanger the safety of others. The current number of non-academic cases is similar to that seen prior to the pandemic.

### **Offences Adjudicated by a Committee on Student Discipline**

There were eight hearings held by the Committee on Student Discipline in the 2022-23 academic year. An increase over the last three years of 0, 2 and 0, respectively. This is a return to the number of hearings seen prior to the pandemic. Several cases were before a CSD hearing due to the need for sanctions that exceed those that a Disciplinary Officer can impose. The remaining were convened following an appeal by a student of the sanctions imposed.

### **Orders 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 5 business 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 2022-23, two students were ordered to cease and desist communication under Article 21(a). This compares to one student in 2021-22 and two students in 2010-21.

### **Exclusion from McGill Spaces, Campus or Residences and 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 business 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 2022-23, five students were excluded for periods of varying duration. This compares to five students in 2021-22 and 56 students in 2020-21.

## **Comments by the Office of the Dean of Students**

The disciplinary statistics reflect the return of University life to the in-person experience that is vital to the McGill experience. However, the academic landscape has changed, with an increased inclusion of remote and asynchronous delivery of course material, as well as access to administrative services, compared to the situation in 2019. As with any change, there are both positive and negative aspects to this.

Prior to 2020, evidence in disciplinary cases was physical and shared with a student by appointment only prior to a disciplinary hearing. During 2020, the switch to an online culture meant that evidence could be shared electronically, which increased access but also increased the administrative burden since all identifying information must be redacted from evidence shared in this way to ensure confidentiality. Evidence is now being shared either electronically or physically as is appropriate to the case.

Disciplinary interviews switched from always in person prior to 2020, to all interviews being held online. With this practice becoming normalized, it became easier to schedule and hold interviews. Normal practice now includes both in-person and online disciplinary interviews, whichever is most convenient for the parties involved.

As a result of the increase of cheating and plagiarism cases in the last few years, coinciding with remote delivery of assessment, there has been a need to reinforce close supervision as well as update the design of assessments. The Policy on the Assessment of Student Learning that will come into force in 2024 has spurred many Faculty initiatives, in collaboration with Teaching and Learning Services, to revisit assessment in general.

There have been many questions about how the Code of Student Conduct can accommodate access to tools such as large language model (LLM) based software. The general availability LLM software did not impact 2022-23 academic year as it was only released during the current academic year. There have been many questions about how the Code of Student Conduct can accommodate access to these tools. Our Code of Student Conduct establishes the standard for finding a violation of the Code as based on clear, convincing and reliable evidence. The assessment of whether this standard has been met is made by the disciplinary officer overseeing the case. Software that aims to flag incidents of possible cheating or plagiarism has been available for many years. Such a flag is not sufficient on its own, it must be the disciplinary officer who is convinced. Software is used in Computer Science to identify plagiarized computer code and the highest rate for exoneration is for cases involving computer code. This is a reflection of the false positive rate for such detection software, and the impartiality of the disciplinary officers who recognize these false positives. This also applies to text generated by LLM tools and resources that claim to be able to detect when LLM tools have been used. Any decision is made by the disciplinary officer based on all the evidence available. The output from LLM tools is rapidly reaching a standard where it is not obviously recognizable as such. The disciplinary officer may not be able to determine when LLM tools have been used. This means that the design of assessments should take this into account.

The tremendous increase in the number of cases that coincided with the switch to online assessment highlighted aspects of the disciplinary process that should be improved. The process of collecting and assessing evidence, ensuring appropriate expertise is available to assess evidence and scheduling a large number of disciplinary interviews were all areas affected significantly by the high volume. Measures have already been introduced within Faculties to streamline these processes but there may be opportunities for further improvement. The Code of Student Conduct is due for revision in the near future and will be a

way to codify these. I would be happy to receive suggestions for changes and/or updates for the Code of Student Conduct through [deanofstudents@mcgill.ca](mailto:deanofstudents@mcgill.ca).

### **Conclusion and Thanks**

Service as a Disciplinary Officer (Appendix D) and as a CSD member (Appendix E) 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 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. 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. 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 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 issues and difficult decisions are made daily 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

	Article 16	Article 17	Article 18	Article 19	Total
<b>Exonerated</b>	40	31	0	0	71
<b>Admonished</b>	54	68	1	1	124
<b>Reprimand</b>	2	1	0	0	3
<b>Total</b>	96	100	1	1	198

Note: One allegation for a student may refer to multiple articles of the Code. Article 16 (plagiarism), Article 17 (cheating), Article 18 (confidential and copyrighted materials), Article 19 (misrepresentation of facts)

## Appendix C: Allegations of Non-Academic Offences

	Article 7	Article 8	Article 9	Article 10	Article 11	Article 12	Total
<b>Exonerated</b>	1	4	3	6	0	0	<b>14</b>
<b>Admonished</b>	0	8	0	4	1	1	<b>13</b>
<b>Reprimand</b>	0	2	0	6	0	0	<b>8</b>
<b>Total</b>	1	14	3	16	1	1	<b>35</b>

Note: One allegation for a student may refer to multiple articles of the Code. Article 7 (unauthorized entry), Article 10 (physical abuse, harassment, dangerous activity, sexual violence), Article 11 (fraudulent use of University resources), Article 12 (misuse of University documents)

## Appendix D: 2022-23 Disciplinary Officers

<b>Faculty of Agricultural and Environmental Sciences</b>	Prof. Valérie Orsat, Associate Dean (Student Affairs)
<b>Faculty of Arts</b>	Prof. Manuel Belán, Associate Dean (Student Affairs) Samantha Damay Kimberley Chung
<b>Athletics</b>	Andrew Persons, Assistant Manager (Athletics and Recreation)
<b>Continuing Studies</b>	Prof Derek Tannis Associate Dean (Student Success) Prof. Sue Laver Associate Dean (Academic)
<b>Faculty of Dentistry</b>	Prof. Michel El-Hakim, (Program Director )
<b>Faculty of Education</b>	Prof. Sheryl Gilman-Smith, Associate Dean (Academic Programs)
<b>Faculty of Engineering</b>	Prof. David Frost, Associate Dean (Student Affairs) Prof Dennis Giannacopoulos Prof Susan Gaskin
<b>Graduate and Postdoctoral Studies</b>	Prof. Nathan Hall, Associate Dean Prof. Lorraine Chalifour, Associate Dean Prof. Russel Steele, Associate Dean
<b>Faculty of Law</b>	Prof. Tina Piper, Associate Dean (Academic)
<b>Libraries</b>	Sonia Smith
<b>Desautels Faculty of Management</b>	Lindsay Holmgren (Undergraduate Programs) Marina Poulos
<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, Master's Program, Ingram School of Nursing Dr. Laurie Snider, Associate Dean, Director, Physical and Occupational Therapy
<b>Faculty of Science</b>	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
<b>Schulich School of Music</b>	Prof. Andrea Creech, Associate Dean (Academic and Student Affairs)
<b>Residences</b>	Daniel Jason Fournier, Associate Director of Housing Cole Maier, Residence Life Manager Jen Colins, Residence Life Manager Umar Azmi, Residence Life Manager Skylar Zakarin, Residence Life Manager

## Appendix E. CSD Composition in 2022-23

<b>Chair</b>	Prof. Richard Leask
<b>Vice Chair</b>	Prof. Lisa Starr Prof. Lara Khoury
<b>Secretary</b>	Prof. Robin Beech (Dean of Students) Cindy Mancuso (Associate Dean of Students)
<b>Legal Assessor</b>	Mr Miroslaw Sadowski Ms Salima Djerroud Prof Kristen Anker
<b>Academic Staff</b>	Ms. Kathy Roulet Prof. Brian Robinson Prof. James Engert Prof. Jean Lesage Prof. William Clare Roberts Prof. Arash Abizadeh Prof Alex Gregorieff Prof. Antonia Arnaert
<b>SSMU Representatives</b>	Krystal Assaly Mustafa Fakih Yanik Hachey Samer Abdulkarim Bianca Matthews Josh Werber
<b>MCSS Representatives</b>	Cloe Gosselin Henry Lee
<b>PGSS Representatives</b>	Kristi Kouchakji Hossein Poorhemati
<b>MACES Representatives</b>	Ahmed Modamed Roubina Karaminassian



## Appendix F. Summary of No-Contest Arrangements with Faculties (2020-2023)

### Overview

The transition to remote delivery for a great majority of course material and assessment methods coincided with a dramatic increase in the number of Academic offences reported to a Disciplinary Officer. The Code provides for a disciplinary interview with each student accused of violating the code but given the volume of offences reported it was not a physically possible to hold so many interviews within a reasonable timeframe.

The integrity of our assessment practices is essential and when a student transgresses that integrity, the disciplinary process is an opportunity to educate the student about the regulations, why they are important and how the student behaviour violated those regulations. We aim to ensure that the offence is never repeated, through sanctions that dissuade future transgressions.

Under the extraordinary circumstances during the 2020-2023 academic period it was necessary to find an alternative to the normal disciplinary process that could handle such a large case volume. The solution implemented just prior to my tenure as Dean of Students, was the no-contest agreement as explained below.

### Rationale

Behaviour that risks threatening the safety of others or of our physical spaces is often addressed without escalating to the disciplinary process through a voluntary agreement. If a student voluntarily agrees to modify their behaviour so that there will be no harm to others, then the desired outcome has been achieved. Failure to agree to modify their behaviour, or violation of a signed agreement would then lead to the normal disciplinary process.

Many disciplinary interviews for cheating and plagiarism result in a student admitting their error and apologizing and accepting the finding and sanctions imposed. The No-Contest letter, as a voluntary agreement

### No Contest letters issued between 2020 and 2023

		2020 - 2021	2021-2022	2022-2023
Arts	Accepted	18	18	12
	Declined	5	1	6
	<b>Total</b>	<b>23</b>	<b>19</b>	<b>18</b>
Engineering	Accepted	234	84	23
	Declined	29	17	4
	<b>Total</b>	<b>263</b>	<b>101</b>	<b>27</b>
Science	Accepted	466	178	45
	Declined	73	31	26
	<b>Total</b>	<b>539</b>	<b>209</b>	<b>71</b>