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**Attending to the ethical principles
in Canadian universities**

V. Marie Berryman

**A Thesis
in
the Department
of
Education**

**Presented in Partial Fulfillment of the Requirements
for the Degree of Master of Arts at
Concordia University
Montreal, Quebec, Canada**

April 2001

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Abstract

V. Marie Berryman

Attending to the ethical principles in Canadian universities

The purpose of this thesis is to explore the present state of ethical standards in universities. Drawing on the work of five faculty members who, in 1966, co-authored a discussion paper titled, "Ethical Principles in University Teaching", this work will ascertain the extent to which codes of ethics are providing the intended direction, especially with regard to ethical behaviour among faculty and staff. This thesis begins with an historical review of how codes of ethics emerged. This is followed by a description of five codes of ethics chosen from Canadian universities. Closer examination of seven ethical principles is then undertaken.

Although it has been determined that codes of ethics provide the direction intended and are acting as guides to behaviour, there is still a dearth of empirical research on the continuing need for codes of ethics and on ways in which they might be more effective in reducing the incidents of unethical behaviour.

Dedication and Acknowledgement

This thesis is dedicated to the late Vincent E. Virgo, my father who taught me the importance of education so that I, in turn, could teach my children.

No book is ever written by the author alone, especially a Masters thesis. I am indebted to Dr. Ailie Cleghorn, my thesis supervisor, who provided invaluable advice, clarity, wisdom and experience. Her patience with me and words of motivation were my inspiration to write the next chapter. For her I am truly grateful. I would like to also thank Dr. Arpi Hamalian for believing that I could be a student in the Masters programme. Arpi you will always be remembered.

A special expression of thanks goes to my family: Ricky, my husband, Natalie, Jeremy and Charleen for their patience and inspiration. Thanks Ricky for the many cups of tea, all the snacks and the pats on the back while I worked. Thanks also go to Charleen for her hugs and words of support and encouragement when I needed them. I thank them all for their unwavering belief that I could finish writing this thesis. To my grandchildren Cory and Kayla: Nanna will have time to play games on the computer with you now.

To my travelling companions, Diane Browne and Carol Vouzan thanks for the gift of laughter and inspiring me to persevere. I would like to mention Kristen Robillard, Sally Spilhaus, and Irene Girgoropoulos for their support and the wonderful celebratory surprise party. There are many others who have helped and encouraged me along the way I want to express my heartfelt appreciation to them all.

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Chapter 1

Introduction

The Purpose of the Thesis

The purpose of this thesis is to examine the present state of ethical standards in universities to try to ascertain the extent to which these codes of ethics are important to academia, providing the direction intended, and, acting to 'correct' behaviour. To accomplish these goals, five codes of ethics from universities across Canada are studied by using seven guiding principles as examples. When examining codes of ethics the principles should be applicable, clear, consistent, address the scope of actions and situations that are of serious ethical concern, and, they should express proper professional ideals. It is my belief that this work will advance the discussion, the establishment and implementation of codes of ethics in academia.

Briefly, this thesis is divided into four chapters. The following chapter sets the stage for an informed discussion. The concepts of morality, professionalism and the use of codes of ethics in academia are introduced. Chapter Two consists of an in depth study of codes of ethics which includes their structure, characteristics, how sanctions are dealt with, the type of issues they encompass, and lastly, what the pertinent research reveals. Chapter Three is devoted to an explanation of seven of the eight guiding principles.

Examples of actual case histories are garnered from Annual Reports prepared and published by Ombudspersons in University Ombuds Offices across Canada since they all are available to the public. Chapter Four provides a summary of the findings and the direction for further research.

A Look Back: Ethical Thought in Academia

In the late 19th century, the study of ethics was not problematic. "Ethics was largely a domain of settled standards. The chief problem was not to resolve controversies but to inculcate traditional standards in the rising generation" (Davis, 1999, p.14). At that time, the content of ethical courses consisted of such matters as the study of moral religious theory, or the manner in which a gentleman was to conduct himself in society. Ethics courses of today deal with controversial issues such as abortion or teen pregnancy and lead to vigorous debate.

The period from 1900 to 1960 was marked by a proliferation of codes that were associated with various professional associations rather than with the professions themselves. Interest in ethics spread from one profession to the other, starting with the medical, legal and engineering professions. In 1960, the medical profession was being asked to answer ethical questions that they were not prepared to answer. With the arrival of medical technology the profession changed drastically. Doctors were able to keep patients alive longer; as machines were housed in hospitals, they were no longer making house calls resulting in a new doctor-patient relationship. Medical technology proved to be very expensive and ethical decisions regarding the best use of resources had to be made. Physicians recognized that training in 'medical ethics' was necessary. Physicians turned to philosophers already teaching ethics in universities for assistance in tailoring new ethics courses designated for medical students.

In 1969 the Institute of Society, Ethics and the Life Science in Hastings-on-Hudson (later renamed The Hastings Center) was established as an interdisciplinary "think tank" dedicated to teaching and contemplating ethical

medical problems. This resulted in the creation of the Principles of Medical Ethics recognized as the code for all medical practitioners.

In 1970, the American Bar Association drastically revised their "Canons of Ethics" and renamed it the "Code of Professional Responsibility". This code governed all lawyers. Students studying law were now required to take at least one course in ethics before being "called to the Bar". Engineers had to become more accountable. In 1975, an anonymous donor contributed enough money to establish the Center for the Study of Ethics in the Engineering Profession (modeled after the Hastings Center). This Centre taught engineering, architecture and computer ethics courses (Davis, 1999).

At this time, philosophers in newly established Centers and universities primarily taught ethics courses. Over the last twenty-five years, there has been a proliferation of ethics courses, professional associations, journals and publications that testify to an increased concern in ethical issues. In 1989, Canada boasted twenty-five centers dedicated to the study of ethics (Davis, 1999).

About the turn of the century the National Education Association of the United States (NEA) established the first code of ethics for educators. In 1963, the NEA adopted a revised code namely the Code of Ethics of the Education Profession. Then in 1966 it was decided that the last revision of the code of ethics would be revisited for a number of reasons.

- Each sector of the profession (Association for Childhood Education, National Council of Teachers, etc.) created a code of ethics of their own. The NEA decided that only one code representing all the constituencies was necessary.

- When implementing the principles, confusion arose about the meaning of the term's *standards of competencies* and *standards of ethics*, which caused problems in the implementation of the earlier code. This was subsequently rectified.
- Earlier codes exemplified the highest ideals of the profession rather than the specific standards of behaviour required by the membership.
- Principles became obsolete because once adopted they remained enforced until they were challenged. Under the new Code, it was mandatory to review each principle every five years.

In adopting this Code the education profession was on the threshold of an exciting era akin to the twenty years enjoyed by medicine. The NEC has revised their Code of Ethics numerous times since 1966 but it paved the way for other countries and professions to do the same. (NEC, 1966).

William May (1990) and Michael Davis (1999) have researched the reasons for the creation of codes of ethics but both come away from their studies with very different reasons for it. May (1990) attributes the current interest in ethics to corruption in institutions of higher learning, in society as well as the advancement of technology. Some of the examples offered are the falsification of scientific research data and plagiarism in high places. These actions all add up to an abuse of prestige, power and influence. The integrity of academia is now in question for the first time in its history.

Before World War II, universities were not widely noticed in society. It existed mainly for its own members and for the ruling class. However, after the War the enrolment figures increased and the achievements and successes of academic scientists during the war were made known by the media and the

press. The reputation and visibility of universities changed. The activities and the opinion of the president or the rector, the professor and the students were now newsworthy. Ordinary citizens wanted to learn about and to appreciate its achievements. This, according to May (1990), turned out to be a "double edged sword".

The student disturbances of the 1960s and 1970s made universities into even more eagerly observed sources of dramatic news events. The media was drawn into academic disagreements only to aggravate them; aggrieved members of the university turn to the press and to the courts to vindicate their cause and to remedy the wrongs that they thought they had suffered. May (1990) concludes that society now questions the integrity of academia. With the advent of technology the relationship between professor and students changed, integrity has been lost especially when student purchase term papers, research studies and the like over the Internet.

Davis (1999) however does not attribute the current interest in codes of ethics to an especially corrupt society. He decided that there is no evidence of this. He attributes the boom in ethics to changes in society - geography, immigration and religion. Fifty to one hundred years ago people lived in small towns. Order was maintained by close relationships - gossip and knowing everyone's name and habits. In 1999, the population of Toronto is 4,680.3 million and Montreal 3,438.5 million - both provinces are now large urban societies. Order is no longer maintained through close relationships in churches, families or through gossip, it is maintained by law enforcement.

The importance of religion seems also to have declined as the population of large urban centres have become more mixed. At one time most of the

population was of the Catholic, Protestants or Jewish faiths. According to Statistics Canada, in 1992, the total Canadian population of Catholics was 12,335.3, Protestants numbered 9,780.7; Eastern non-Christians totaled 747.5, Orthodox 387.4 and other religious groups 28.2. There was a common religious tradition. Religion maintained order through tacit agreement on a common code of conduct. Even though religious traditions all have moral codes of conduct, they differ from one religion to the next. As evidenced, religion no longer provides a common standard of conduct. Although religious tradition condemns murder, perjury and theft, the author concludes that many wars have been fought in the name of religious traditions. The question need not be decided here. What is clear however, is that worshippers perceived that religion provided a common code of conduct. Davis (1999) asks the question,

How can large numbers of people without strict regulation by law, without personal knowledge of one another, and without a common religious tradition coordinate conduct in the complex ways necessary to make life in this society good or, at least, bearable? (p. 18)

The answer is ethics. Ethics and ethical behaviour are well on their way to becoming slogans of the nineties as each organization and institution struggle to formalize codes of ethics in response to internal and external pressures.

In total Canada has 88 institutions of higher learning that offer a broad range of programs and a full range of undergraduate to doctorate degrees, as well as certificates and diplomas. After the United States, Canada ranks second in the total number of students attending university. During the years of 1955 and 1962, the number of students attending university doubled; this phenomenon occurred once again between 1962 and 1969. According to Statistics Canada (1997) the total number of full-time students now attending

university has swelled to over half a million and the number of faculty members teaching these students total 33,702. In an era of knowledge-based economy, the educational system is fast becoming one of the nations' most important economic tools.

Even though each university defines their own mission statements, institutional policies and procedures, and infrastructures, the standards across the country are uniformly high. Universities across Canada all have one common denominator - faculty members teach, are involved in research activities and community service. Recent figures from both the Natural Sciences and Engineering Research Council and the National Research Council report that the results of university research have directly impacted upon 8,000 to 10,000 jobs with a combined estimate of sales of \$1 billion each year. (Stuart, 1991). Both aspects of their work are significant to society as a whole. However, the primary goal of the professoriate is to disseminate the knowledge they possess through teaching to successive generations of students.

There are many facets to teaching courses. The professor must contribute to the intellectual development of all students, they must continuously maintain a high level of subject matter knowledge, and be able to communicate the subject matter and course objectives to students in a professional manner. (Murray, Gillese, Lennon, Mercer, and Robinson, 1996). Professionalism, which will be more fully defined later, is a highly valued symbol in our society.

After many years of advanced study, faculty members not only possess specialized knowledge but, through research, they are primarily responsible for creating it. The public is convinced that faculty members have a mastery of this knowledge, and that knowledge solves social and technological problems that

impact upon their welfare. In order for society to grant faculty members a measure of autonomy required to carry out scholarly pursuits, it is necessary for university professors to uphold high moral and ethical standards perhaps more voluntarily than in some other professions.

Since the professoriate holds a special position of trust within society, society affords the profession certain privileges. In return, the profession and the institution where they work makes a commitment to society that its members must adhere to high ethical and moral standards of conduct. These standards are embodied in each university's code of ethics.

Definition of Terms: Ethics, Morality and Professionalism

Ethics

The American Heritage Dictionary defines ethics as, "the study ... of the specific moral choices to be made by the individual in his [her] relationship with others" (Morris, 1975, p.450). Ethics refers to the concept of what is good, right and 'ought'. "In itself ethics does not speak to what is moral but behaviour that is consistent with being moral" (Dingley, 1995, p. 59). Ethics is further divided into normative and metaethics. Normative ethics examines what people ought to do, examples being codes of conduct, rules and regulations and policies. Metaethics examines ethical language and the justification of ethical examination and judgments.

If ethics is concerned with behaviour and morality with how we treat others, consequently, ethical concerns primarily examine how to apply moral standards to the behaviour of individuals.

Morality

The concepts of ethics and morality are often used interchangeably but there is a subtle difference between them. To summarize briefly, morality is based on a set of customs that most people have accepted as being right, virtuous or just, whereas, the philosophical approach to the study of morality is referred to as ethics.

The American Heritage Dictionary defines morality as "a set of customs of a given society, class or social group which regulate the relationships and prescribed modes of behaviour to enhance the group's survival". (Morris, 1975, p. 853). In other words, morality refers to how people treat other people to enhance society's morals, norms, values and ideals.

The word morality comes from "mores" that refers to the unbending customs of a group. In a university context, an example of an unbending custom would be students must submit work to be graded and the professor must award the student a fair grade. What is fundamental and relatively stable to the individual, society, or an institution is the moral framework - society's moral institution consisting of its various roles which constitutes its moral order. Societies with moral order hope to produce future generations with the same moral vision to sustain this notion of moral framework.

Morality is also expressed universally in the form of judgments of approval and or disapproval. The things people attach positive moral value to are those that bring lasting satisfaction. However, constraints are often imposed by morals. Morality also encompasses all those social norms and rules that are accompanied by sanctions giving them a certain coercive legalistic power.

Another aspect of morality involves the actions or behaviours in question or the individual moral motivations. Not only are moral norms and values relative to the society in which they exist, the common or collective moral ideas of a society are also relative in just the same way.

In summary, morality is an expression that approximates the ideal. The purpose of morality is the goal of ethics and, conversely, ethics is the evaluation of morality.

Professionalism

One of the underlying tenets implicit in all codes of ethics is professionalism. Professionalism is defined as an ideal as it speaks to the moral quality of an individual's character and integrity. It upholds standards of conduct that go beyond those of an ordinary person. Albert Flores (1988) describes professionalism as,

A complex set of role characteristics involving specialized knowledge and training, dedication to public service, and autonomous decision-making authority in matters of importance to society. In addition, and more often implied, is the normative aspect of professionalism as a standard of responsible behaviour (p. 1)

Professionals should believe in and aspire to specific ideals such as integrity, wisdom, justice and truth. The Center for Academic Integrity, housed in Duke University, defines integrity as,

A commitment, even in the face of adversity, to five fundamental values: honesty, trust, fairness, respect, and responsibility. From these values flow principles of behaviour that enable academic communities to translate ideals into action. (p. 4)

Dedication to these ideals brings honour to the profession and to the pursuit of excellence.

Not all professionals reach this ideal standard; many strive for it while for others, it is not important whatsoever. An ideal sets a proper direction, gives a sense of how far from perfect things actually are, and tells us that one action is better than another action. Moral experiences include ideals that do have moral power. Two examples are, is it morally proper for a faculty member to give a test to students who have not had an opportunity to practice the new skill they have just learned? Should male faculty members close the door while speaking to female students? Faculty members may use moral ideals to make judgments about the sorts of actions, virtues and practices that bring them closer to the ideal state.

Codes of ethics

Codes of ethics are created to be guiding principles to the membership of a group or an institution, in our case, a university. By its very nature, it is an evolving document resulting from an ongoing discussion with the membership. It is based upon society's 'ideal' moral standards because at the root of all ethical principles lies good moral conduct. A code of ethics is not simply a collection of words with an objective of fostering discussions about standards of conduct. They are more often than not created in response to some sort of ethical conflict.

Conclusion

No occupation or institution is exempt from fundamental ethical obligations. There is none that does not constantly encounter conditions causing

those ethical obligations to be transgressed either innocently or deliberately. By analyzing the present state of ethical standards to try to ascertain the extent to which code of ethics are providing the direction intended, more universities will be inclined to create and diligently implement them. If they are indeed correcting improper conduct, more universities will recognize their value. From the author's initial research, more can be done by universities to declare a set of guiding principles, which would govern its custodianship in proper ethical conduct by implementing a code of ethics.

Throughout the history of universities, ethical dilemmas have been a constant challenge to the institutions themselves. Over the past fifty years, new conditions and new demands on universities have emerged. Universities face more challenges since the sheer increase in size in both student body and faculty members has rendered it more difficult to maintain and administer. Individuals need to be more responsible in their exercise of power as does institutions. This is even truer today since the academic profession wields such enormous power in this knowledge-based economy. It is appropriate to explore codes of ethics that can guide the choices of individuals and institutions in higher education.

The world has become busier, more things seem to be happening - diversification of immigration, religious beliefs have changed and the advent of technology. Universities have become more exposed to public scrutiny than ever before in history. There is a need for the profession to clarify in its own mind and to reaffirm the fundamental ethical obligations inherent in its undertaking. This work is intended to contribute to this discussion.

Chapter Two will explore codes of ethics in more detail. Codes of ethics are now prevalent in many professions throughout the world. The majority of

Canadian universities have instituted their own code of ethics. Three reasons the faculty members and the institution give credence to codes of ethics includes the provision of consistent normative standards for academics and their stakeholders, the students; the institution avoids legal consequences and it promotes a positive public image.

CHAPTER 2

CODE OF ETHICS

Introduction

This chapter now discusses the present state of ethical standards in universities and to answer two questions, are codes of ethics important to academia? In addition, to what extent are codes of ethics providing the directions intended? These questions will be studied by examining the structure of the academic profession, analyzing what codes of ethics are by looking at their characteristics, their structures, and how sanctions are dealt with. Because ethical issues take on many forms, the three most common types of ethical issues will be discussed along with examples as to how unethical behaviour is reported. The chapter will conclude with commentaries from authors in the field. How did the notion of codes of ethics begin?

In 1915, the American Association of University Professors (AAUP) was founded as a result of the firings and resignations of notable university faculty members, university administrators demanded that faculty members agree with the political standards of the day, those who opposed or disagreed with them were fired. Out of concern for academic freedom, tenure, and, to determine who would be fired from the teaching profession and why, faculty members approached John Dewey (philosopher and educator) to head the first Committee on Academic Freedom and Tenure. John Dewey declined the invitation suggesting instead that a Committee on Professional Ethics be struck. Dewey believed that "faculty members had to discipline themselves first before they were entitled to autonomy and tenure" (Dill, 1982, p. 243).

In 1920, a few meetings of the Committee on Professional Ethics took place. After a few years of inactivity, another faculty member chaired the Committee and developed a brief statement that was forwarded to the AAUP Council. In 1966, the AAUP finally adopted the statement on professional ethics. Institutionalized codes of ethics were subsequently established in most universities.

Codes of ethics are divided into applied and practical ethics. The discussion in applied ethics is centered on such topics as the ethics of abortion, cloning, euthanasia, capital punishment, etc. Applied ethics is taught to provide students with the skills to analyze and resolve ethical dilemmas. Whereas practical ethics is the study of codes of ethics in institutions of higher learning (universities and colleges) and in discipline specific professions such as British Columbia Teacher's Federation Code of Ethics or the Canadian Code of Ethics for Psychologists. Practical Codes of ethics are also referred to as codes of conduct, codes of practice, professional code of conduct. In the corporate world, they are known as corporate credos, mission statements and value statements. Although many definitions of a code of ethics exist, for the purpose of this thesis a code of ethics is minimally considered to be a written, distinct, and formal document that consists of moral standards used to guide university faculty members in their conduct within the institution.

Academics have responsibilities for and ethical obligations to their students. Undergraduate and graduate students presume, and rightfully so, that professors adhere to proper professional conduct, or, a code of ethics. After all, academics have the ability to not only help; they can also harm their students.

Before examining codes of ethics, I think it would be helpful to discuss the structure of the academic profession. In so doing, value conflicts and ethical issues germane to the academic profession will be identified. From this point onward the term "codes of ethics" will be replaced with 'Code'.

Structure of the Academic Profession

Faculty members are expected to perform three main activities - teach students, conduct research, and participate in community service. At times, these activities can be a potential source of personal and professional ethical dilemmas. Dill (1982) acknowledges that ethical dilemmas can also arise because of conflict between these activities.

The multiple activities of the academic role consistently force faculty members to make choices between institutional expectations regarding teaching and professional values regarding research, and this is true in all institutions of higher education. (p. 260)

Faculty teaching responsibilities will be addressed in greater depth in Chapter Three. It is to be noted that the role of teaching within the academic profession is influenced by "the norms of the discipline and field; the policies established by institutional faculty members and the administration; and the expectations of the students." (Dill, 1982, p. 264). Normally, the institution regulates the number of students they teach, the number of contact hours expected with those students, the course content and course policies. Meanwhile, faculty members regulate how they value teaching.

Dill (1982) has recognized that faculty members place their own value commitments in teaching students. He has categorized their attitudes as follows: some are concerned, indifferent, manipulative, hostile and partisan. The

concerned professor values her/his teaching obligations to educate students. The indifferent professor values their role as an academician even though he or she teaches methodically. The manipulative professor values teaching for the benefit they can reap from it directly. The hostile professor has not placed a value on teaching but knows that it is one of the functions that must be performed. Lastly, the partisan professor places more importance on themselves than on their students.

Research adds to the wealth of knowledge in a specific discipline or field. Faculty members are accountable for the quantity and quality of their research. Methods used and topics of inquiry in certain academic fields are also subject to ethical norms. Examples of ethical Codes that guide faculty research are the Tri-Council Policy Statement *Integrity in Research and Scholarship* as well as the Social Science and Humanities Research Council's *Guidelines for Research with Human Subjects*. (Concordia University, 1997). Research has become a part of the professional development assessment for faculty members being considered for promotion and tenure. Moreover, the status of the faculty member within their home institution and scholarly discipline also rely on the quantity and quality of their research endeavours.

Faculty members also have a responsibility to serve their community by performing community service. For example, doctors serve in private practice, business and engineering professors offer their services to consulting companies, and professors of education may assist government agencies in their research endeavours. Ethical dilemmas can arise when, for example, the business professor spends more time with the consulting company than performing his teaching role in the university. Therefore, community service can be another

source of ethical tension. One of the ways to address the varying value commitment to teaching, research and community service is to institute a Code.

What Are Codes Of Ethics?

Codes are developed by faculty members for faculty members in institutions to establish and guide the desired standards of behaviour. Their principles are specific to its membership and their unique ethical challenges; they are "central to understanding what constitutes proper conduct as well as expectations of the virtues professionals should possess" (Gellerman, Frankel, and Ladenson, 1990, p. 150). Codes reflect and communicate the highest ideals and the integrity of the professional. Another expression for 'highest ideals' is the "pursuit of excellence". In the pursuit of excellence a professional should be committed to do their best, develop and maintain a high degree of competence, be well informed, well prepared, diligent and industrious.

Codes are created in response to actual or anticipated ethical conflicts. They can not be considered in a vacuum rather it is in the context of a real life situation that its principles take on more meaning. Codes are controversial documents. In most universities ethical behaviors are typically amalgamated and defined in numerous institutional policy documents. However, since the central concern of this thesis is Codes, the other policy institutional documents pertaining to ethics will not be discussed.

Since Codes are created to promote good moral conduct, not disciplinary action, they increase moral sensitivity and judgment and strengthen support for individuals' moral courage. There is a difference between principles and rules. Rules can be enforced and rely on compliance. Rules are legalistic whereas

guiding principles depend upon clear values and on actions that promote good conduct and integrity. Ethical obligations often exceed legal duties. Responsibility for compliance to the principles depend upon each individual where laws sanction one party to the detriment of the other. Principles are not enforceable and they cannot be rigidly applied to an ethical issue to produce one right answer. Principles draw on sound judgment to assist a responsible person to make an informed decision about a complicated ethical dilemma.

The most difficult task is not in its creation but in its implementation by all members of the institution. Unfortunately, implementation to some is synonymous with enforcement which creates unnecessary fear. Reliance must be placed upon general education about the Code and its contents and upon guidance and counseling for individuals who violate it. In most instances, such violations prove to stem from a lack of knowledge and improper interpretation of the principle in question. There is no question that enforcement procedures are necessary when all other means have failed. However, enforcement as an instrument should be the last resort and then only in serious cases.

In concrete terms, the following should be considered while creating an effective code of conduct.

1. Adoption of the Code as the one governing all the members by a legal body within the institution such as a senate or board of governors or the like.
2. Confidence in the ability to apply the Code maturely and fairly throughout the institution. This can be done through training sessions, program speakers, workshops or conferences. Realistically, the Code should be administered through a professional rights and responsibilities

office. Members should have positive assurance that they can call upon the administrator to informally discuss a situation without fear of immediate retaliation or when a problem is serious enough to warrant possible disciplinary application.

3. Provisions for orderly change in the older principles that have become outdated should be firmly incorporated upon its creation. It is imperative to revisit the principles on a regular periodic basis because with experience the institutional standards will change and so should outdated principles in the Code. The principles should reflect these changes.

Characteristics of Five Academic Codes of Ethics

A clearly stated and developed Code that is impartially and rigorously enforced is the template for all other Codes. Some universities have formulated noteworthy ethical Codes. The examples that will be examined are:

1. Code of Professional Ethics for Academic Staff - University of Calgary (1994);
2. Guideline for Ethical Actions - Concordia University (1997);
3. Statement on Academic Ethics - McMaster University (1991),
4. Code of Behaviour on Academic Matters - University of Toronto (1995); and,
5. Policy 33, Ethical Behaviour - University of Waterloo (1999).

The author sent letters to Canadian universities requesting copies of their code of ethics or code of conduct. The aforementioned kindly complied with the request. All the Codes mentioned above can be found in Appendix A.

Normally Codes are divided into two distinct sections, the preamble and the body. The preamble not only indicates that the Code is directed toward faculty members but they explicitly define its purpose, why it is important, that

there are other documents that speak to proper conduct. It outlines behaviours that are deemed unethical. The Code then defines some behaviours that will be deemed ethical and others which are unethical and the reasons why.

The body usually consists of basic principles, examples and how it is to be implemented. They are based on obligatory statements that take the form of "It ought to be the case that". The following example was taken from Concordia University's Code (1997),

All University members ought to be able to communicate informed views and criticisms based on their learning and study without being censored. Academic freedom also implies academic responsibility: respect for the rights of others to express their opinions, fairness in expounding differing points of view, and the encouragement of critical thinking. (p. 3)

In this example, students ought to be able to openly communicate their views and criticisms about a specific issue within the framework of their learning. Rich (1984) explains that "to fail to perform an obligatory act would generally be thought reprehensible (unless there were exonerating reasons)" (p. 45), in this example the reprehensible act would be to censor a student.

The Structure of Ethical Codes

By examining the five Codes it can be easily observed that not all of them are structured identically but they are generically similar. According to Rich (1984), they all contain objectives, ideals, principles, standards, rules and procedures.

Objectives: The objectives of the document are stated in the preamble. The objective of the Code established in the University of Calgary (1994) is to guide university faculty members in their conduct within the institution while

pursuing their teaching, research and service activities. The document states the general standards as a reminder of the obligations to be assumed by faculty members.

Ideals: Not all faculty members reach this ideal standard; many strive for it while, for others, it is not important whatsoever. Two examples of ideals are found in the University of Waterloo's (1999) document in their preamble, "right of individuals" and the University of Calgary's (1994) preamble "respect for students" (University of Waterloo (1999), University of Calgary (1994)). What purpose do ideal statements serve in Codes? An ideal sets a proper direction, gives a sense of how far from perfect things actually are, and tells faculty members that one action is better than another. It also gives its members "a sense of loyalty to a higher, inspired purpose and serves, along with other aspects of Codes, to create an esprit de corps" (Rich, 1984, p. 32).

Principles: Principles are based on clear values and on actions that promote good conduct and integrity. They are specific to its membership and their unique ethical challenges. As a violation of their principles, The University of Waterloo (1999) has specified that discrimination, harassment, sexual harassment and a "poisoned environment" are explicit behaviours that will be sanctioned. McMaster University (1991) includes intellectual dishonesty; the University of Calgary (1994) includes the fair treatment of students and confidentiality, and, Concordia University (1997), integrity. Principles state what is believed to be attainable contrary to ideals.

Standards: A standard elicits audit ability – it determines, through an evaluative process, whether a particular behaviour complies with the Code. Does certain behaviour meet the standards declared in the document? Standards can

be further delineated to take a quantitative and qualitative form. An example of the quantitative form is the number of people on the committee that adjudicates Code violations. At the University of Toronto the members of the Trial Division of the Tribunal consists of a "Senior Chair, two Associate Chairs and up to fifteen co-chairs" (University of Toronto, 1995). Either the Trial Division of the Tribunal fulfills this obligation or it does not. In this sense, the quantitative form is easy to assess. However, the qualitative form is not as readily assessable. It refers to a faculty members' compliance to the Code. Has Prof. A heeded and kept an open mind to the opinion of others? The ethical point of view is the only overriding and prevailing point of view.

Rules: Rules can be enforced and rely on compliance, it provides general instructions as to what one should do in order to fulfill an objective or goal. One either fulfills a rule or one does not, some behaviours are either right or wrong in accordance to a rule.

Procedures: Procedures typify the order or the definite steps needed to carry out a specific process. In Codes, it refers to the implementation and enforcement process. The University of Waterloo (1999) and Concordia University (1997) assumes a 'line-management approach'. Once a violation is suspected it is brought to the attention of the appropriate administrative officer, the department head, chair or director who initiates the process. It is then brought to the attention of the Dean, Associate Provost or Vice-President. If the complaint, after an investigation, is deemed upheld, it is brought to a Tribunal for examination.

Not all Codes may include procedures in the main document. They may be mentioned in the main document or they may be incorporated in another

institutional document. However, there must be a procedure to implement and enforce the Codes.

Dealing With Sanctions

Everyone makes moral evaluations. Some evaluate what the results of their behaviour will be while others examine the consequences of the behaviour that they have taken. Some actions are serious; some are less serious but even the less serious events may elicit moral disapproval. A student lies to a faculty member to ensure an extension of the submission date. The same faculty member consistently arrives in class late and has missed an extraordinary number of classes since the beginning of the semester because he has been having an affair with one of the students in the class. A moral evaluation is a judgment about, in these specific cases, behaviour.

An ethic that fits ... higher education needs to be sufficiently concrete to provide guidance for those judgments and actions an individual professional must make as well as sufficiently abstract to provide guidance for assessment of the broad social impact of professional practices, and especially of institutional actions. (May, 1990, p. 34)

There are many reasons why faculty members have to be sanctioned under the Code. Some reasons are more blatant than others since not all reasons for breaches of ethical conduct are as "black or white" or "good or bad" as we believe them to be. Faculty members also have to deal with ethical dilemmas that result in breaches of ethical conduct.

Concordia University (1997) has included well thought-out and comprehensive steps to assist their University members to "raise, consider, and

resolve ethical issues” (Concordia University, 1997, p. 12-17). These steps will be used as a means of analysis of ethical decisions.

Sizing up the Situation

1. Clearly identify the main issue and its contributing factors.
2. Carefully and conscientiously assess if the behaviour truly constitutes a deviation from the Code or any other institutional document related to the Code.
3. Another means available to gather background information or “to explore possible alternatives” and to ensure confidentiality is to approach the University Ombuds Office or the Office of Rights and Responsibility or the Ethics or Legal Office. These Offices are available to students, staff and faculty members to gather more information about a rule, procedure or a service. The University Ombuds Office is mandated to investigate ethical issues. In so doing, they listen to all sides of an argument or ethical issue and come to an unbiased conclusion. They can also refer the complaint to a hearing board. The concerns of the staff, student or faculty member would be addressed, policies clarified and investigations undertaken.
4. If it is decided that the behaviour is indeed a breach of the Code or related institutional policies, follow the directives as stated in the Code.

Determining the Type of Issue

As noted earlier, ethical issues take on various forms – ethical dilemmas, questionable behaviour, and deliberate violations.

- Ethical dilemmas can sometimes take the form of conflict of interest dilemmas. A conflict of interest occurs when competing obligations become important and threatens to distort judgment in undesirable ways. It can be deceiving. There is a risk that a faculty member can appear less competent than usual, it can harm the reputation of the faculty member in question. Even if faculty members can manage the conflict of interest itself, they may not be able to manage appearances. That is why a professor teaching and assessing a course that his niece is registered in should speak to the chair of the department or the course coordinator to make them aware of the conflict of interest. Ethical dilemmas are difficult to assess and requires "discussion, consultations, negotiating and, at times, hard bargaining." (Concordia University, 1997, p. 13).
- Questionable behaviour is less serious than a conflict of interest or deliberate violations. In this case the faculty member is not conscious of their ethical wrongdoing because they may not know that a Code is implemented at that institution or that an honest mistaken has been made. An example from the University of Toronto Ombudsperson's Office speaks to the appearance of unethical conduct. "The Ombudsperson's Office worked on a case this past year that was complicated by the fact that the course was held at a professor's home. This was an independent study course with only one student and the professor present." (Ombudsperson's Office, 1994, p. 15). In this situation, the professor made an honest mistake. Holding classes in her home was a matter of convenience to both the student and the

professor. All that need happen in cases of questionable behaviour is discussion with the faculty member in question and their immediate supervisor.

- Some cases occur because of deliberate violations. However, being mistrusted by one's colleagues or profession would be a devastating blow to scientists for whom trust and integrity are the foundation of transaction and communication (Fuchs and Westervelt, 1996). Since these cases are normally very serious in nature, they are usually dealt with by the appropriate university board.

Reporting Unethical Behaviour

Whistle blowing has become a popular term when referring to people who reports unethical behaviour. Barnett (1992) attributes reporting unethical behaviour as

Internal disclosures that allow organizations a chance to fix problems before they develop into full-blown scandals. Internal disclosure creates an ethical atmosphere within the organization where employees are encouraged to report unethical behaviour. If, however, the organization's climate is conducive to suppressing internal disclosure, the wrongdoing may go unreported for months causing the organization to suffer. (p. 950).

Universities usually shield whistle blowers from reprisals or retribution under the Code. The University of Toronto's (1995) Statement on Prohibited Discrimination and Discriminatory Harassment states "Persons may seek enforcement of this policy without reprisal or threat of reprisal by any person acting on behalf of the University for so doing." (University of Toronto, 1994, p. 6) and at the University of Waterloo (1999), under the

section titled Violations, Redress states "Members of the University community have the right to lodge complaints and to participate in proceedings without reprisal or threat of reprisal for so doing." (University of Waterloo, 1999, p. 2). The University of Calgary (1994) has included a statement in Section 7. Harassment and sexual harassment "A reprisal or threat made to the individual who has reported harassment...is also a form of harassment/sexual harassment." (University of Calgary, 1994, p. 4). Concordia University (1997) "will protect University members who raise questions and initiate complaints in good faith but may take action against those who speak against others maliciously." (Concordia University, 1997, p. 14). At McMaster University (1991) the focus is on plagiarism. A statement about whistle blowers is not included in their Statement on Academic Ethics. All these documents assure students, staff, faculty members and administrators that they can freely report unethical behaviour. But is that really the case in practice?

The Chronicle of Higher Education reported in the December 2000 issue that the U.S. Department of Health and Human Services proposed a new regulation that would require universities to provide due-process protection to people who report unethical behaviour. The article goes on to say that

Researchers and graduate students have complained for years that they face retaliation from superiors after they report misconduct, such as plagiarism or fabrication of data. Advocates for whistle blowers have argued that universities lack procedures for investigating and stopping retaliation, or that the procedures that exist are unfair or inadequate. They also say this lack of protections creates a disincentive for other whistle blowers to come forward. (Brainard, 2000, p. A27)

The Office of Research Integrity is an Office in the Department of Health and Human Services that oversees research misconduct and their investigations in universities that receive federal grants. The university is asked to appoint an official to handle complaints and negotiate a settlement. In the absence of a settlement, the institution is required to hold administrative hearings. Since reporting unethical behaviour is an important issue that lies at the heart of Codes, further research, surveys and investigation are required.

Research

In 1980, The Hastings Centre conducted a study on the teaching of ethics in higher education. The results uncovered a considerable body of literature that addresses the teaching of ethics and the understanding of the types of ethical dilemmas in medicine and law and professional responsibilities. What was found lacking was literature about ethical dilemmas faced by faculty members and “the bases for choices involved in weighing, judging, or recommending patterns of academic conduct” (Dill, 1982, p. 244). Even though the contributors to the study and the members of the Hastings Centre were all culled from the academic community, it was concluded that “the feasibility of a study on the ethics of the academic profession... lacked appropriate research material and was not of sufficient current interest to warrant investigation; therefore, their publications do not address the ethics of the academic profession directly” (Dill, 1982, p. 245). What can be inferred by the lack of will to examine the values,

ethic and integrity of their own institution? If the study is valid what is to be said about the present state of ethical standards in universities?

To address this question articles by David Dill (1982), Everett K. Wilson (1982), Michael Scriven (1982), George Schurr (1982) and Daniel Callahan (1982) will be examined. Dill (1982), in his article titled *The Structure of the Academic Profession: Toward a Definition of Ethical Issues* observed that value issues and ethical dilemmas are a direct result of the many activities that faculty members are responsible to undertake; a Code would address the related issues at the institutional level.

Wilson (1982), in his article titled *Power, Pretense, and Piggybacking*, however, takes another approach. Wilson's article is centered around the status of the teacher and the students, the gap between what teachers think is being accomplished as a result of teaching and what is actually accomplished. In addition, he highlights the ethical dilemmas and the tension encountered in research and teaching. Wilson (1982) interprets these relationships as dyads and what he recommends is a Code that will shift the relationship to a triadic one that redirects the focus.

In *Toward a Code of Ethics for Academics*, Schurr (1982) reviews the requirements needed in a Code. While Callahan (1982) in *Should there be an Academic Code of Ethics?* does not agree with any of the authors thus far, instead he presents suggestions for an alternate response to the question.

David Dill¹

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Dill (1982) concludes that the ethical discussion that should be taking place in universities is being ignored. What is required in its place is a debate about the teaching of ethics and ethical theory. Dill (1982) states that the main discussion should center on ethics and the academic profession in general as well as the ethical dilemmas that emerges from the number of activities that faculty members are responsible to undertake. The activities he mentions are teaching, research and community service.

Under the category of teaching, Dill (1982) reveals that the teaching activity is influenced by the policies of the institution, the standards of the discipline and field, and the students' expectations. The standards or the manner in which courses are taught have customary been "1) case analysis in law and business, 2) experimental instructions in [psychology], 3) lectures and seminars in the humanities" (Dill, 1982, p. 265). These standards have become traditional entrenched over the years.

The institutional policies dictate the teaching load, grading criteria and course evaluations for faculty members. Therefore, their attitudes towards teaching have changed. The ethical dilemmas they face are increasing but this discussion is ignored in professional discussions. Dill (1982) admits that ethical dilemmas and value strain identified in teaching should be addressed at the institutional level by a Code. The reason given is that these issues are common to all faculty members and will only improve through discussion and debate at the level of the individual institution.

Everett K. Wilson²

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Wilson (1982) outlines two important reasons why ethics in teaching has become an important topic for discussion. Students are vulnerable and some have had to endure abuse by some faculty members who are empowered by their role as teachers. Wilson (1982) grouped ethical issues under three headings, power, pretense and piggybacking. Power refers to ethical issues caused by and resulted in inequality of power. Pretense refers to "some gap between profession and practice." (Wilson, 1982, p. 270) and piggybacking is all the other activities and missions that take away from the central mission and commitment of the institution.

Power: Faculty members have the power to allot grades, to decide on course content, to be prepared or ill-prepared for class lectures or to cancel classes unless the department declares and upholds high standards that they are forced to adhere to. The careless use of power may stifle the bright student, ensure that the student remains dependent upon the professor or it may be reflected in the future earnings of the student. Wilson calls in a third party to intercede, judge, adjudicate this dyadic relationship. The third party is the Code. In this relationship, Wilson holds that the power is distributed fairly and evenly between the faculty member and the student because the Code is present to intercede when ethical dilemmas arise, it will ultimately be part of the discussion and will adjudicate in a decision.

Pretense: Since professors are change agents to their students, they must be vigilant in their teaching. That is to say, Wilson (1982) expects professors to be sensitive to how their teaching affects students and they should be held responsible to the students who fail to learn the new skills that they are taught.

Piggybacking: Beware of the numerous competing factions that try to intervene in the institutional mission. For example, the many groups that use the campus facilitates whose ideology is not congruent with the institutional mission, the commercialization of education and individual faculty research concerns. He warns that these ideologies can easily piggyback on the aforementioned purposes and take away from teaching. Faculty members should not be tempted to focus most of their attention on research to join the line of people who “create from those who transmit”.

In summary, Wilson (1982) says that power, pretense and piggybacking are deeply rooted ethical concerns in need of more discussion.

George Schurr (1982)³

Schurr (1982) begins his discussion by emphasizing the turn of events that the academic profession is experiencing at the time of the article – the profession is defining their role in economic terms. Those outside the profession who grants money for research dictate those terms no matter how much the academician may be interested in academic freedom and the pursuit of knowledge. Because of this reason, faculty members offer students minimum standards of practice therefore a Code is required.

Some of the provisions to be included in the Code are the following:

Auditability: Auditability is significant in a Code to measure performance in research and teaching. An example in teaching would be teacher – student contact hours and number of students registered in the course that pass.

³ George M. Schurr is director, Academy of Senior Professionals, Echerd College, St. Petersburg, U.S.A.

Service to society: The Code should demonstrate to society the value that they place in academics and “in the pursuit of truth”. It should validate the fact that universities are indeed producing the skill workers and researchers needed in society to solve social and economic problems.

Avoiding conflicts of interest: The code must “legitimate the special interests of academics”, explain possible conflict of interest dilemmas and includes provisos differentiating academic functions and specifying the relations among them in such a way as to avoid any taint of collusion that could denigrate the effective performance of a desired function.” (Schurr, 1982, p. 325). Again, he warns faculty members of potential economic influence linking their research (publishing in journals that pay royalties) and service to society.

Efficacy of instruction: this term refers to the measure of effective teaching and assessment. This involves the faculty member’s teaching method, course description, text material, in other words all the data used by the faculty member that results in learning should be auditable.

Specificity in Elaboration: The language of the Code must be specific, more specific than it is now. Schurr contends, “Formulating a Code is the academic professors way to specify their place in the general social contract.” This contract must include clauses about its implementation and application.

Enforcement: Warns that Codes must be enforceable and appealable.

Schurr (1982) would like the “court of public opinion” to adjudicate those faculty members who violate the Code and he wants it used as a basis for malpractice suits because it is an implied contract between the institution and the individual. Whatever forms a Code takes; Schurr (1982) contents that it is needed to preserve the academic profession.

Daniel Callahan (1982)⁴

Callahan (1982) gives examples of why Codes are now necessary such as the unethical behaviour of some faculty members and the lack of role modeling by some faculty members. He states that the reasons for a Code are many: when a profession is in a state of crisis, it assists in stating the ideal, legalizes the profession and regulates its behaviour. The fact that ethical dilemmas will always arise no matter what the institutional environment is and that academic ethics now have to cope with dozens of moral variables. Callahan (1982) asks are faculty members faced with more moral dilemmas now than in the past and are these dilemmas more difficult to deal with? If so, what has changed? He answers both questions in the affirmative. The reasons for the change are the social context in which the university has to survive and that of the sub disciplines (e.g. education, psychology and sociology).

Callahan (1982) then discusses why Codes are established. Codes specify the rights and responsibilities of faculty members; they provide a signal to students and society that moral behaviour is important to the institution. However, he contends that Codes are not the way to deal and confront ethical problems. He gives the Code of Hippocratic and the American Bar Association as examples: doctors and lawyers are still engaging in unethical behaviour even though they should be guided by their professional Code. The second reason given is that he cannot fathom how such a Code could be developed. It would be either overly simply or overly precise, and take into account all the

⁴ Daniel Callahan is director, The Hastings Center, Hastings-on Hudson, New York, U.S.A.

contingencies, which is impossible. The alternative to a Code is that every university organizes a debate examining questions of academic ethics. Other university policies and procedures can deal with sanctions.

Conclusion

Under discussion are practical Codes sometimes referred to as codes of conduct, codes of practice or professional code of conduct established in most Canadian universities. For the purpose of this thesis, the minimum requirement of a Code is a written, distinct, and formal document that consists of moral standards used to guide university faculty members in their conduct within the institution.

Faculty members are expected to perform three main activities within the university, they are expected to teach students, conduct research and participate in community service. Because of these multiple roles, ethical dilemmas can arise as a result of conflict between the activities.

This chapter answers two questions: are codes important to academia; and what is the present state of ethical standards in universities? Codes are important to academia because they reflect and communicate the highest ideals or the pursuit of excellence and the integrity of the profession. These ideals encourage faculty members to do their best, develop and maintain a high degree of competence, be well informed, well prepared, diligent and industrious. Codes are created in response to actual or anticipated ethical conflicts. They are not to be considered in a vacuum rather it is in the context of a real life situation that its

principles take on more meaning. They are controversial documents that require ongoing discussion with the membership.

Five Codes were chosen from Canadian universities to be used as examples throughout the thesis:

1. Code of Professional Ethics for Academic Staff - University of Calgary (1994);
2. Guideline for Ethical Actions - Concordia University (1997);
3. Statement on Academic Ethics - McMaster University (1991),
4. Code of Behaviour on Academic Matters - University of Toronto (1995);
5. Policy 33, Ethical Behaviour - University of Waterloo (1999).

All of these Codes are divided into two distinct sections, the preamble and the body. The preamble defines the institutions' purpose, explains that the Code is directed toward faculty members, why it is important and what other documents exist within the institution that speak to ethical behaviour. The body usually consists of basic principles with examples and how it is to be implemented. Although the five Codes are different, they are similar in that they all contain objectives, ideals, principles, standards rules and procedures concerning ethical issues.

These issues take on various forms such as ethical dilemmas, questionable behaviour, and deliberate violations. Concordia University's Guideline for Ethical Actions (1997) was used as an example of how these concerns could be defined and sanctioned if necessary. A discussion of the now popular term, "whistle blowing" reveals that universities do their best to shield people who report unethical behaviour. However, more has to be done.

To address the other question: What is the present state of ethical standards in universities? articles by David Dill (1982), Everett K. Wilson (1982),

Michael Scriven (1982), George Schurr (1982) and Daniel Callahan (1982) were examined. All the authors, with the exception of Callahan (1982) confirmed that because of the present state of universities a Code is still necessary.

Dill (1982) observed that value issues and ethical dilemmas are a direct result of the many activities that faculty members are responsible to undertake; a Code would address the related issues at the institutional level. Wilson's (1982) article is centered around the status of the teacher and the students, the gap between what teachers think is being accomplished as a result of their teaching and what is actually accomplished. He highlighted the ethical dilemmas and the tension encountered in teaching and recommends a Code that redirects the focus back to the original educational goals. Schurr (1982) reviewed the requirements needed in a Code. Callahan (1982) does not agree with any of the authors thus far. Although he provides examples of why Codes are necessary, he contends that they are not the proper way to deal and confront ethical problems. He then suggests that every university organize a debate examining questions of academic ethics. Other university policies and procedures can deal with sanctions.

I also agree that every university should organize a debate examining questions of academic ethics because Codes are a controversial and evolving document that should be a result of ongoing discussion with the membership. Without doubt, the success of Codes in each institution depends upon sustained efforts and vigorous support by all involved.

Chapter Three explores a discussion paper, published by the Society for Teaching and Learning in Higher Education, titled, "Ethical Principles in University Teaching" written by five educators who won the National 3M

Teaching Award⁵. The educators, Drs. Harry Murray, Eileen Gillese, Madeline Lennon, Paul Mercer and Marilyn Robinson are actively involved in teaching at the University of Western Ontario located in London, Ontario. The text was produced as an impetus to discussion of ethical principles necessary for responsible ethical teaching in Canadian universities. The authors acknowledge that their list of principles is not a thorough one nor have they included sanctions rather it is intended as a document for discussion of Codes. As in all Codes, the principles do not apply the same way in all situations. (The paper titled "Ethical Principles in University Teaching can be found in Appendix B.)

In 1986 the 3M Canada Inc. and the Society for Teaching and Learning in Higher Education created the 3M Teaching Fellowships to recognize teaching excellence and educational leadership. To date, 130 awards have been presented to educators in 32 universities.

CHAPTER 3

PRINCIPLES

Introduction

Chapter Three examines seven of the eight guiding principles for faculty members teaching primarily in universities. The guiding principles highlighted are Content Competence, Pedagogical Competence, Dealing with Sensitive Topics, Student Development, Dual Relationships with Students, Confidentiality, Respect for Colleagues and Valid Assessment of Students, respectively. It is my intent to use these principles as subject topics to better understand and explain Codes. Also, to clarify what has been said in all the chapters thus far, that Codes can not be considered in a vacuum rather it is in the context of a real life situation that its' principles take on more meaning. Excerpts from actual cases garnered from the Annual Reports in two Ombuds Offices provide examples of real life situations and bring the importance of Codes to life. It is important to note that some principles are interrelated but they are addressed separately. Also the principles have a cumulative effect.

Students, staff, faculty members, administrators as well as members of the Board of Directors and Senators confront ethical issues from time to time. However, at the core of any university are the faculty members. Its informed evaluations lie at the heart of the educational process and its critical role is the focus. Moreover, faculty members that abuses or discharges their duty improperly are acting counter to the Codes they are supposed to espouse and model. On the other hand, the majority of faculty members in universities across

Canada are brilliant professors that exemplify professionalism, promote good moral conduct, and are a proper role model for students to imitate.

Teaching

Audi (1999) tells us that teaching is many things.

It is conveying information, developing skills, and imparting modes of thought. It is imposing exercises, eliciting ideas, and encouraging imagination. It is creating attitudes, practicing communication among persons, and building citizenship. It is the modeling of personal styles, techniques of speech, and patterns of thought. It is a job, profession, a passion, and, for some, a sacred trust. The moral responsibilities of professors towards their students are numerous and far-reaching. (p. 119)

Students are deeply influenced by their professors. It is understood that morally responsible professors do not knowingly violate their students' rights.

Teaching per se is important but what is most significant is the knowledge students retain once the course is over. Instructors are a means to the attainment of knowledge in a particular discipline, rather than an end in themselves. Theodore R.Sizer (1999), former Dean of Harvard University, College of Education separates brilliant teaching into three characteristics – scholarship, integrity and completeness.

Scholarship is both the grasp of a realm of knowledge and a habit of mind, rather than facts, which endure in a person over a lifetime. Scholarship is not only an affair of the classroom, but, at its best, is a way of life, one which is marked by respect for evidence and for logic, by inquisitiveness and the genius to find new meaning in familiar data, and by the ability to see things in context, to relate specificities to generalities, facts to theories, and theories to fact. (p. 1)

To this I add that faculty members must always remember to teach ethically. As described above, and the analysis to come will confirm that teaching is a complex affair.

To be more specific, Chapter Three will explore the principles of Content Competence, Pedagogical Competence, Dealing with Sensitive Topics, Student Development, Dual Relationships with Students and Valid Assessment of Students. Content Competence stresses the importance for faculty members to maintain or acquire a high level of subject matter competence when they teach courses. Pedagogical Competence is the ability to communicate the objectives of a course to students and choose reliable instructional methods or strategies that results in a majority of the students mastering the course objectives. Dealing with Sensitive Topics will point out why it is the responsibility of each faculty member to deal with sensitive topics in an open, honest, and positive way. (Murray et al, 1966).

Student Development will review how faculty members can contribute towards the intellectual development of the students and avoid such actions as exploitation and discrimination that detract from student development. Dual Relationships with Students will attempt to explain why faculty members must avoid conflict of interest situations with students. Under the principle of Confidentiality, the importance of this subject is explained. To conclude the third chapter, the importance of Valid Assessment of Students is argued.

Principle 1: Content Competence

Murray et al (1966) note that

A university teacher maintains a high level of subject matter knowledge and ensures that course content is current, accurate, representative, and appropriate to the position of the course within the student's program of studies. (p. 1)

Content competence refers to subject matter competence, appropriateness of course content and representativeness of course content. Subject matter competence asserts that faculty members must be knowledgeable about the course subject matter being taught in order to meet the course objectives and goals. Appropriateness of course content ensures students that the course description printed in the University Calendar is actually the course material that is taught. It also refers to the organization of course material in such a way as to prepare students for higher-level courses while taking into consideration the course material taught in the prerequisite course or courses. Representativeness of course content is similar to academic freedom in that differences of opinion, interpretation and representative points of view are to be acknowledged and placed in perspective by the professor. (Murray et al, 1966).

Subject matter competence

Professors must be highly competent in the field and up-to-date on developments in literature in their own specialty. In addition, they must be knowledgeable about the concepts, body of methods, major figures, and theories with which any university professor in the discipline they are teaching would be familiar. In addition, professors should understand that their task is to instruct and get across the proper version of the relevant truths about the subject matter to the students.

Professors have an obligation to their students to keep up-to-date with reasonably comprehensive developments in their key areas of study. This can be accomplished by conducting research, attending lectures and conferences and reading professional publications. It is their responsibility to increase their depth

of understanding and continually add to their scholarly accomplishments. This is required because the professor is automatically *the* presumed leader or authority in the classroom, the expert.

Appropriateness of course content

Another tale from the McMaster University Ombuds Annual Report that exemplifies appropriateness of course content reveals that:

A student visited the Ombuds Office, early in the term, to complain about one of his courses. He had attended on the first day of class and received a course outline that differed considerably from the description contained in the University Calendar. The student had already purchased the textbook for the course and was upset that he now had to scramble to find a new course that would fit his timetable. (Lancaster, 2000, p. 4)

University Calendars along with other registration material forms the basis of the University's "contract" with the student. Students rely on the course description included in the University Calendar as being accurate and up-to-date. In the case above, the University failed to fulfill its part of the contract because the professor unilaterally decided to alter the course description. Therefore, professors must ensure that they do not stray from the stated goals and objectives announced in the University Calendar.

Another contract that the university has with the student is the course outline or syllabus. A more detailed course outline results in fewer misunderstandings between the professor and the student. Course outlines are supposed to provide a map of the course. Research has shown that "students who are told what they are supposed to learn and how they are to be evaluated perform better than those who are not so instructed. The course syllabus is an excellent medium for providing this information." (Center for Teaching and

Learning, 1996, p. 13). Course outlines also reveal the intended associations between the various parts of the course. This helps students understand the course as a whole. It should also specify the obligations and responsibilities of both the student and the professor. In so doing, it clearly states the benefits they are to derive from the course. All professors should strive for a course outline that provides a complete representation of the course and what is advertised in the university Calendar. What other responsibilities do professor's have that pertains to appropriate subject matter?

A professor's responsibility is to lead students to master appropriate subject matter, arousing appreciation for it while neither misrepresenting nor diluting it. To achieve this result Murray et al (1966) tells us that typically professors should know the place of the course they are teaching in relation to the curriculum, the appropriateness of course content and representative points of view are acknowledged and placed in perspective.

Knowing what the prerequisites and co-requisites course subject matter is for the course the professor is teaching is key. In most courses such as math, science, language, and physical education, the prerequisite and co-requisite material are well defined. Students progress linearly in their work. They must learn certain skills progressively. These students should be able to work out and understand certain kinds of problems, solve specific equations, read and speak a language at a particular level, or demonstrate certain physical skills. In these courses, planning is simplified because the place of the course in the curriculum and the learning outcomes are agreed upon. On the other hand, course goals in the social sciences and humanities are usually not as easily defined they require more preparation by the professor, the department and the curriculum

committee. However, whatever the student learns in the course should, in turn, prepare them for the material being taught in the next higher-level course.

Before entering the classroom the professor should know what they intend to accomplish during a particular session and precisely what they expect their students to know by the time the period ends. Nor should they deviate from the course outline or syllabus because what is actually taught should be consistent with stated course objectives. (Murray et al, 1966).

Representativeness of course content

The essence of a professor's work is the pursuit of knowledge. This search may lead to controversial or unpopular opinions. However, in a classroom the preservation of free inquiry requires that all points of view are heard. "The responsibilities of a good teacher is to lead students to master appropriate subject matter, arousing appreciation for it while neither misrepresenting nor diluting it." (Sizer, 1999, p. 60).

Students should be informed when a professor states their own personal opinion about a topic of discussion. They are entitled to know whether their professor is expressing a consensus or only a majority or minority viewpoint. On the other hand, opposing points of view should not be distorted.

Instead of encouraging students to think independently and to raise challenges, professors who are partisans engage in intimidation and expect acquiescence. The aim of these professors is not education but indoctrination. Attempts to foster such ideologies are entirely inappropriate in a classroom. Professors should be guiding critical inquiry; an essential feature of this process is for all participants, including the faculty member, to be open-minded.

Students should not be led to suppose that all expressed opinions are equal. Some arguments are valid, some invalid. Some hypotheses are well founded and some are not. A claim may run counter to available evidence. Educated people do not simply hold beliefs; they believe what they can explain and cogently defend through critical thinking. To conclude, professors should be as objective as they can in communicating the subject topic, they should provide a sense of the leading alternative view on the topic in question. At the introductory level the greater this responsibility.

Principle 2: Pedagogical Competence

Murray et al (1966) note that

A pedagogically competent teacher communicates the objectives of the course to students, is aware of alternative instructional methods or strategies, and selects methods of instruction that, according to research evidence... are effective in helping students to achieve the course objectives. (p. 2).

Pedagogical knowledge and skills presumes that professors communicate the objectives of a course in many different ways depending on the discipline and the students' understanding. They should be able to choose effective instructional methods for all students to practice and obtain feedback from before being tested on that skill. (Murray et al, 1966).

Communication of objectives

Most disciplines afford the following teaching methodologies to communicate the objectives of a course: historical, problems, comparative, process, and, dialectical approaches.

- The historical approach stresses sequential and developmental aspects of the subject.
- The problems approach presents major problems in the field and methods for dealing with those problems. This approach strengthens the capacity for critical thinking and if the skills are learned properly, they are transferable from one disciplinary to another.
- The comparative approach compares theories, problems, research or texts.
- The process approach ensures that students learn how to do the kind of work in question. It provides practice in doing the work of the discipline being taught. The constant practicing reaps experience for those students.
- The dialectical approach aims at discussion to disclose ideas, problems, and tests. This approach enhances both critical thinking and speaking skills. (Sizer, 1999).

Most professors have very good command over all these approaches and can use them interchangeable depending upon the subject matter. However, some approaches are discipline specific.

Selection of effective instructional methods

Incorporating teaching strategies that accommodate individual learning styles has consistently resulted in significant improvement in student achievement in the traditional classroom setting. Students understand and learn information in different ways. The majority of students prefer to receive information visually, some are auditory learners and others are kinesthetic learners, meaning they notice nonverbal facial and physical cues. Students are usually strong in a few areas and able to improve in others. More experience in a

few modes of learning styles often drives students to focus on them, letting others become latent. Since students have different styles and ways of processing information, problems can result.

By understanding student learning styles, professors could enhance the quality of the learning experiences they provide. Because research has shown that students learn more when professors match their teaching style with their individual learning styles, teaching strategies should be re-examined. If possible, professors should be conscious of the various learning styles and the needs of the learners in the classroom. The use of instructional strategies that provide opportunities for discussions, brainstorming, reflective thinking, and critical thinking improves the quality of instruction. A well-rounded learning process involves the use of all four learning modes. In fact, professors should be sensitive to this fact as some students may miss important ideas and experiences if they rely too heavily on one or two learning modes.

Providing opportunity for practice and feedback

There are two other aspects of this principle that Murray et al (1966) argues are ethically questionable assessment practices, the first is professors should ensure that students are given an opportunity to practice whatever they will be tested upon in advance of the testing. The other, professors should return the work to their students in a timely manner with accurate feedback on their performance at regular intervals so that they can monitor their own progress during the semester. An example of an Ombuds complaint follows.

A student was concerned about his grade in a course where he was required to submit a series of exercises. The exercises were not returned on time and, as a result, the student kept repeating the same mistake. When the exercises were finally returned the student was upset that he was repeatedly marked down for something he could have easily corrected had he been aware of the problem (Lancaster, 2000, p.9).

Assignments should always be returned in a timely manner with constructive detailed comments. Students typically spend their time to prepare material carefully it is utterly disheartening, when returned, to only see a grade. They are entitled to be informed about which aspects of their work are well done and which are unsatisfactory, as well as how future efforts might be improved. If assignments are not returned within a reasonably short length of time, students will be unable to utilize the instructor's suggestions in preparing further assignments or studying for a test. If a long period has elapsed before their work is returned they may forget the patterns of thinking that structured their work. This results in professorial negligence and student alienation, a definite violation of a Code.

Since students are naïve about the course material, they should be provided with an opportunity to practice the new skills or information they have just been taught. This is especially important if the skill is to be included in their assessment. Research was undertaken to measure the relationship between the opportunity to practice new skills and receive prompt feedback from the professor. Dunkin (1986) reviewed research on a range of individualized teaching methods, he reported, "... frequent testing, immediate feedback, and mastery on a unit before progression to the next topic were key factors for increased student achievement." (Dunkin, 1986, p. 100). Therefore, immediate, corrective and supportive feedback is central to learning.

Principle 3: Dealing with Sensitive Topics

Murray et al (1966) note that

Topics that students are likely to find sensitive or discomfoting are dealt with in an open, honest, and positive way. (p. 3).

Professors should deal with sensitive topics in an open, honest, and positive way by explaining why the subject matter is important to the course at the onset of the discussion. It would also be helpful to students to learn the professor's perspective on the topic of discussion as well as those of other scholars and researchers. Professors need to be as cautious about revealing their prejudices on any issue, and as conscientious about preventing prejudices from taking a toll in the classroom. Mockery is a cruel, easily learned, readily imitated, and a rarely forgotten skill. This information, in itself, will speak to the complexity of the issue.

A professor must permit discussion and dissuade attack, a delicate balance with students. For all students to feel comfortable discussing a sensitive issue, it is necessary for the professor to "set ground rules" before the discussion. This will convey to all students that they must be respectful of each other even when they disagree. (Murray et al, 1966).

To illustrate the complexity of some moral issues, in the fourth edition of the book titled, *Contemporary Moral Issues* by Cragg and Koggel (1997) abortion, nuclear deterrence and pornography are still a very sensitive topics as is discrimination and poverty. Affirmative action is, however, a new topic. In some topics such as nuclear weapons, the debate has shifted to the problems of

disposal. As one can imagine, students will come to the classroom with their own ingrained standpoint of all the issues noted above. However, the discussion if handled properly, could be an educational tool worth pursuing in an environment that is open, honest, and positive.

Principle 4: Student Development

Murray et al (1966) note that

The overriding responsibility of the teacher is to contribute to the intellectual development of the student, at least in the context of the teacher's own area of expertise, and to avoid actions such as exploitation and discrimination that detract from student development. (p. 3).

Murray et al (1966) analyzes Student Development as instructional design, avoid unjustified behaviour that detracts from student development, and to treat students with respect.

Instructional design

It is the professor's ethical responsibility to encourage questioning, to allow students to grope toward answers that they find logical. If professors are to help students learn to think independently and critically, they have to accept views that are not entirely congruent with their own. The guidance a professor can give in separating fact from opinion, basing conclusions on logic instead of habit or simple tradition, let alone prejudice, and in respecting the rights of others to reach different conclusions, seems like a major part of the professorial job. Students have to learn that personal judgments require sound thought.

Behaviour that detracts from student development

A few students approached the Ombuds Office to discuss cases in which they had problems with their professors,

Complaints included the quality of teaching they were receiving, an inability to explain concepts or answer questions, failure to show up for office hours, and a general sense that the course was poorly organized. [In some cases the professor was rude to the student]. (Lancaster, 2000, p. 8).

The Code established by all the universities under review would sanction the professor in question because of the quality of teaching indicated above. Professors must take responsibility for themselves as representatives of what is best about educators at all times. Professors are responsible for the well-being of the students in their charge. This includes respecting the office hours announced on the course outline, arrive to class on time and be fully prepared to teach, and above all, always be respectful to students.

Treat students with respect

Treating students with respect calls to the basic moral requirements, everyone should guide their life by in all common enterprises. Sizer (1999) tells us that,

Rights are like signposts: if we know our way, we act in accordance with them, but need not mention them. They exercise an orienting influence, yet to look for them, or to point them out to others, is often an indication that we are lost – or going the wrong way. (p. 50).

Treating others with respect is a right we all should engage in and it goes without saying that morally responsible professors do not violate their students' rights; those that do are at best ethical without being admirable. If professors aspire to the ideal, as noted in the Code, they will, for the most part, quite

naturally observe the rights of others along the way to doing far more for them than they originally expected.

Code of Ethics

The Codes under review address the principles of Content Competence, Pedagogical Competence, Dealing with Sensitive topics and Student Development in the main document and/or in contributing ones.

The principles of Pedagogical Competence, Student Development is stated in the preamble of the Code at Concordia University (1997) since it states,

Faculty are expected to be conscientious in carrying out their teaching responsibility which, in general, includes the preparation, organization and presentation of course materials at scheduled class times, and availability to students outside of class hours, curriculum development and preparation of course material for student use, and the direction and evaluation of student progress in courses, research, thesis and practical work. Faculty has a responsibility to provide the opportunity for student input on the quality of courses and teaching. (p. 4).

The principles of Content Competence and Dealing with Sensitive topics is argued in Concordia University's Guidelines for Ethical Actions (1997) thusly

Faculty should encourage the free exchange of ideas among themselves and between themselves and students at appropriate times in order to foster good academic experience. These exchanges must be governed by standards of fairness. (p. 4).

The principle of Student Development is reiterated in the Code of behaviour on Academic Matters at the University of Toronto (1995) by stating

The concern of the Code of Behaviour on Academic Matters is with the responsibilities of all parties to the integrity of the teaching and learning relationship. Honesty and fairness must inform this relationship, whose basis remains one of mutual respect for the aims of education and for those ethical principles which must characterize the pursuit and transmission of knowledge in the University. (p. 1)

Principle 5: Dual Relationships with Students

Murray et al (1966) note that

To avoid conflict of interest, a teacher does not enter into dual-role relationships with students that are likely to detract from student development or lead to actual or perceived favoritism on the part of the teacher. (p. 4)

Murray et al (1966) explains that it is the responsibility of all faculty members to remain focused on their pedagogical and academic goals and objectives. Faculty members who enter into dual relationships with students are at risk of losing their ability to maintain objectivity in their evaluative and instructional roles as well as their ability and the perception of their ability to be fair to all students (Murray, et al, 1966). Even if a student is not enrolled in the faculty member's class, the perception of other members of the institution is that this person does not view students from a professional point of view. This also discredits the faculty members' standing in the community. Contrary to the Code, if a faculty member tries to keep a relationship secret, their integrity will also be in question.

Faculty members are called upon not only to teach students but also to be their thesis supervisors, academic advisors, research supervisors, department chairs, course coordinators, etc. They are asked to perform multiple roles therefore, they can maintain "multiple relationships" with students (Pope, 1991; Sonne, 1994). In these roles, faculty members may be asked to advise students on their academic and personal relationships that can bring them closer as individuals and extend the traditional boundaries.

Occasionally a student will develop an infatuation with a professor, either romantically or as an academic role model. Students who enter into these

relationships run a greater risk of being exploited because of the power differential. Bear in mind that in normal classroom situations students want to gain favour of faculty members and they also want high marks. Another factor to remember is that students are normally younger than faculty members are and they bring limited experience to the union. Pope (1991) concedes that these relationships also erode and undermine the faculty member's effectiveness as a teacher. In these instances both faculty member and student suffer moreover, the student's educational experience is always jeopardized.

The results of a dual relationship with a student are conflict of interest and conflict of consent. Conflict of interest dilemmas take many forms. Some examples are an intimate relationship with a student, accepting or giving gifts, evaluating a student that the faculty member has a personal or professional/client relationship with, the exchange of money or employment and excessive socializing outside of the classroom. These behaviours are all problematic. Conflict of consent is always a problem for faculty members. Because of the power differential, it is deemed that students consent to do what is asked of them because of their willingness to please or their fear to displease.

In the current literature Blevins-Knabe (1992) and Kitchener (1992) proposes that because faculty members perform multiple roles the ethics of dual relationships in universities have not received as much attention as those in the medical and legal professions. University faculty members have a primary source for information regarding appropriate professional behaviour: refer to their university Code. The conflict of interest statements at the University of Calgary (1994) and Concordia University (1997) are worth taking under consideration before embarking upon such relationships.

Code of Ethics

In the University of Calgary's Code for Professional Ethics for Academic Staff (1994), item 2.8 it states that

Academic staff-student personal relationships are ethical insofar as they do not hinder the student's academic progress or create a situation in which a student is favoured on grounds other than academic performance. However, in order to foster objective and professional relationships between academic staff and their students, a member of an academic staff should not enter into a sexual relationship with his/her student.

Where an academic staff member is involved in a relationship as described ... above, the potential for conflict of interest should be independently evaluated. (p. 2)

In Concordia University's Guidelines for Ethical Actions (1997) under the section titled Conflicts of Interest Involving Personal Relationships it states that

The quality of decisions may be adversely affected sometimes in settings where those making the decisions have personal relationships with those who are the subjects and possible beneficiaries of these decisions. The critical concern here is to ensure that personal regard, whether positive or negative, does not unduly, unknowingly, inappropriately or unfairly affect how decisions are made. Conflicts of interest may arise, or may be perceived to arise, when people are involved in making decisions affecting any members of their families, relatives, or those with whom they have or have had intimate relationships. We ought to excuse ourselves from such decision-making. (p. 9)

In both Codes, it is suggested that faculty members either seek independent evaluation or excuse him or herself from making any pedagogical or academic decision regarding the students. In the academic profession, most institutions provide assurance of the enforcement of ethical standards through the Code. The goals of the Code should be to

Educate faculty members regarding the complex ethical issues involved and to create an atmosphere of greater sensitivity to the potential risks

and benefits that arise from their relationships with students that extend beyond the classroom so that they may make better-informed decisions as they attempt to balance multiple roles and responsibilities and develop positive, constructive relationships with students. (Rupert, Holmes, 1997, p. 10)

When a student either leaves the institution or graduates from it, both parties are then in a better position to form an intimate relationship, to have an employee/client relationship, to exchange gifts or socialize with whomever they prefer. In these situations, restraint is the better part of valour.

Principle 6: Confidentiality

Murray et al (1966) note that

Student grades, attendance records, and private communications are treated as confidential materials, and are released only with student consent, or for legitimate academic purposes, or if there are reasonable grounds for believing that releasing such information will be beneficial to the student or will prevent harm to others. (p. 5)

This principle proposes that students are entitled to expect a high degree of confidentiality especially in their relationship with faculty. The meaning of confidentiality in these terms refers to divulging information about a student's transcript, their grades, prior or present employment or their personal information to anyone else without the approval of the student (Murray et al, 1966). Because of inappropriate disclosure, the student may distrust the faculty member or, on the other side of the continuum, they may find it necessary to leave the course. In both instances, it compromises the academic development of the student. There are rare instances, however, when this disclosure is deemed necessary by the institution not the individual faculty member.

In Canadian institutions there is legislation that safeguard student rights regarding confidential issues, however, other than to acknowledge that this legislation is available; it will not be discussed at length.

Faculty members have to be vigilant in classroom situations. What may appear to them to be normal practice may well be embarrassing to their students. One faculty member annoyed with a student declared to the entire class

This student had already failed this course once and was likely to fail again. Another complainant concerned a professor who had asked two students, in front of their class, to remain after a lecture because he wanted to discuss his suspicions that they had cheated in an exam...[While another professor] related a story about a particular student who had made sexual overtures to him, and he openly discussed students' grades – sometimes before they were even available to the students themselves. (Belson, 1986, p. 4).

Faculty members must become more sensitive not only to this principle but also to be conscious of how the violation of this principle affects student development. In all the cases mentioned above, the students abandoned the courses. The student's educational experience was jeopardized because of the behaviour of a few faculty member.

Another violation is when faculty members announce student grades to the entire class or make comments about the quality of each student's work when handing back papers or exams. These comments can be either positive or negative but some students would prefer not to bring attention to themselves even if it is a positive comment.

Another issue that is also problematic is when faculty members leave marked papers in an open area for students to pick up. This has become common practice but it is a direct breach of confidentiality. Not only is the entire class privy to the individual grades that each student has received but students

have been known to “take” the best papers away with them to study for an upcoming exam on the topic.

Code of Ethics

As noted above, most of these violations are not new ones but since they have become normal practice, some even entrenched practices, it would be helpful for faculty members to refer to their individual Code. The most comprehensive Code on this subject is Concordia University’s Guideline for Ethical Actions (1997).

Information meant to be confidential must be treated as such by members of the Board of Governors, administrators, managers, faculty, students and staff. ...Judgment and scrupulosity must be exercised as to the openness of confidential information when it is transferred from one context to another. (p. 5).

Principle 8: Valid Assessment of Students

Murray et al (1966) note that

Given the importance of assessment of student performance in university teaching and in students’ lives and careers, instructors are responsible for taking adequate steps to ensure that assessment of students is valid, open, fair, and congruent with course objectives. (p. 6).

By valid assessment of students, this principle considers the following, grade components should be relevant to the objectives of the course. They should be designed to be performable by a wide variety of students. The assessment technique used by faculty members should be based upon reliable and valid research. The assessment technique and grading criteria must be communicated to all the students at the beginning of the course. Unless there is a valid reason to

do so, there should no deviation from the assessment technique and grading criteria.

Professors are responsible to grade the work of students in a fair and consistent manner. If challenged, they must be able to defend their grading standards as well as explain them to their students. Professors should return the work to the students in a timely manner with accurate feedback on their performance at regular intervals so that students can monitor their performance in the course. Also, students should be given an opportunity to practice whatever they will be tested upon in advance of the testing (Murray et al, 1966). On the other hand, students are also responsible to adhere to the grading scheme.

As the course is being planned, so should the evaluation procedures and the policy on how missed, failed and late work will be treated. At the beginning of the course students should be aware of the course objectives, how their progress will be measured in achieving these objectives, how the evaluations, marking procedures and policies will help both to achieve these goals and how it will allow the professor to evaluate their progress fairly. Professors are expected to know what skills or activity or grading standards constitutes progress and the extent to which each student has achieved it. Good planning and clear explanations will prevent student confusion and possible anger in the future.

Some cases when a professor may deviate from the appointed assessment technique and grading criteria are when students are very sick and/or hospitalization, when they experience a psychological illness, or suffer the death of a family member. It is the author's conviction that universities should not penalize students who are already dealing with difficult situations. As Suzanne

Belson, former Ombudsperson at Concordia University, told professors who had to negotiate these situations, "there is nothing so unequal as the equal treatment of unequals".

Grading should impartially judge the intellectual progress of a student with standardized objective criteria. However, assigning grades in a course is a very difficult exercise.

Teachers must combine a variety of disparate elements of student performance into a single course grade: verbal skills, ability to memorize, retention of factual information, ability to synthesize material, ability to make reasoned judgments about the material, etc. It is difficult to devise a grading method in which the final grade fairly reflects all aspects of a student's performance. (Center for Teaching and Learning, 1996, p. 1).

The Center for Teaching and Learning (1996) makes an interesting distinction between grading and feedback. Grading is evident because it is a constant – semester-to-semester and year-to-year. It is a certification of each student's performance in that specific course. For a test to be quantifiable it must have two characteristics, it must have content validity and reliability. Content validity ensures that the test samples the behaviour it was designed to measure; in this case it is the range of knowledge, skills and abilities that students were supposed to acquire by the testing date. Reliability ensures that tests measure what it is designed to measure with dependable consistency. The professor assumes that students who receive good grades have learned the most important material and have mastered more complex levels of thinking.

Whereas feedback, such as a student's participation or attendance grades are mainly subjective behaviours that are more difficult to quantify since it is not always possible to do so semester-to-semester. The Center for Teaching and Learning (1996) encourages professors to use non-grade related feedback in

situations where they want to reward or punish their students for certain behaviours such as regular attendance or participation in class discussions. In so doing the grading system will not be contaminated with feedback.

The Center for Teaching and Learning (1996) suggests three basic elements of a good grading system:

- 1) It should accurately reflect differences in student performance,
- 2) It should be clear to students so they can chart their own progress, and
- 3) It should be fair. (p. 2)

These basic elements are similar to those of Murray et al (1966). Regardless of what grading scheme used (comparing students with each other or against a specific scale) students must be able to monitor their own progress during the semester no matter which section of a particular course they have registered in. Since the number of students enrolled in university courses has grown so has class sizes. In some courses, especially at the introductory level, multiple sections of the same course are offered. These multiple sections are taught by different professors but the course content, objectives, assessment technique and grading criteria are common. In other words, the only difference theoretically is the name of the professor teaching the course.

Professors, when planning the curriculum for multi sectioned courses, must be vigilant that the course is similar, in all ways, because the students registered in the various sections of the course will be checking and comparing. These courses must follow the same guidelines to insure uniformity of instruction. As mentioned earlier, examinations and grading must have content validity and reliability, especially in this situation. If "faculty members use drastically different assessment procedures or grading standards, such that the

same level of student performance earns significantly different final grades in the sections," a violation of valid assessment has been committed. (Murray, et al, 1966, p. 6). Prof. Daryl Close from Tiffin University in Ohio gives another illustration of why grades should be fair.

Since grades function as a form of academic currency that students can use to purchase other valuable goods such as scholarships, social standing, graduate admissions, etc. it is important that our grading systems are fair and that we administer them in a fair way. (p. 1).

Conclusion

Drawing from the principles endorsed by Murray et al (1966), the real life Ombuds cases and the dictates of the Codes, teaching is indeed a very complex process. The duties of faculty members and the appropriate standards of conduct while performing some of those duties have been clarified.

To summarize, for those faculty members who deal with students ethically on an ongoing basis, these principles may seem self-evident – they believe in the dignity of the learner, they show respect for their students and actively participate in their development. Faculty must also realize and remember that they are role models to their students and that students imitate their behaviour. If they aspire to higher standards, they will, for the most part, quite naturally observe the rights of others along the ways. Faculty and students alike should be guided by ideals for their own common enterprise, however, because of the power differential, the onus is on the faculty member to lead the way.

To answer the question, to what extent are Codes providing the direction intended? Since each principle discussed in this chapter has a corresponding ethical dimension that can and is explained by a Code, and since actual cases can be identified, I can only conclude that Codes are providing the direction intended. Ethical dilemmas, however, are still under discussion and will be for some years to come. The names of the professors have changed but the behaviour remains. By consulting a university Code some ethical dilemmas can be addressed or they can be the starting point of an interesting discussion.

CHAPTER 4

CONCLUSION

The world has become a busier place, more things seem to be happening - diversification of immigration has immensely developed the population, religious beliefs have changed and we have fully entered an age of technology. Universities have become more exposed to public scrutiny than ever before in history. There is a need for the profession to clarify in its own mind and to reaffirm the fundamental ethical obligations inherent in its undertaking. The professoriate holds a special position of trust within society, consequently, society affords the profession certain privileges. In return, the institution makes a commitment to society that its members will adhere to high ethical and moral standards of conduct. These standards are embodied in each university's code of ethics.

The purpose of this thesis was to examine the present state of ethical standards in universities to try to ascertain the extent to which these codes of ethics are important to academia, providing the direction intended, and, acting to 'correct' behaviour. In order to accomplish its primary aim, an historical review of how ethical practices emerged followed by a distinction of the term's morality, ethics and professionalism. To place this examination in context the role of higher education in general and the professoriate in particular was considered in Chapter One.

In Chapter Two code of ethics were examined, five Codes from universities across Canada were analyzed. It was concluded that Codes are created to be guiding principles to the membership of an institution, in our case,

a university. By its very nature, it is an evolving document resulting from an ongoing discussion with the membership. It is based upon society's 'ideal' moral standards because at the root of all ethical principles lies good moral conduct. Since Codes are created to promote good moral conduct, not disciplinary action, they increase moral sensitivity and judgment and strengthen support for individuals' moral courage. Its principles are specific to its membership and their unique ethical challenges. Ethical challenges take on various forms such as ethical dilemmas, questionable behaviour, and deliberate violations.

To address the other question, What is the present state of ethical standards in universities? articles by David Dill (1982), Everett K. Wilson (1982), Michael Scriven (1982), George Schurr (1982) and Daniel Callahan (1982) were examined. All the authors, with the exception of Callahan (1982) confirmed that because of the present state of universities a Code is still necessary.

In Chapter Three, seven of the eight guiding principles for faculty members teaching primarily in universities established by Murray et al (1966) were used as examples. The guiding principles highlighted in this chapter were Content Competence, Pedagogical Competence, Dealing with Sensitive Topics, Student Development, Dual Relationships with Students, Confidentiality, Respect for Colleagues and Valid Assessment of Students, respectively. Excerpts from actual cases garnered from the Annual Reports in two Ombuds Offices illustrated real life situations from which Codes were examined. The duties of faculty members and what is considered appropriate standards of conduct while performing these duties were highlighted. The third question, To what extent are Codes providing the direction intended? was answered. Codes are providing

the direction intended because each principle addressed in the preceding chapter had a corresponding ethical dimension that can and is explained by a Code.

Epilogue

It might be argued that the need for a Code increases as the social structure of Canadian society becomes increasingly diverse. As a society that promotes multiple ways of looking and doing through its policy of multiculturalism, Canada also has to find ways for mutual understanding and for overall guides to what is acceptable behaviour. The courts are one place where extreme differences in values and behaviour are resolved.

Universities have always been places where there is tension between a professor's autonomy to speak his/her mind and to carry out research deemed important by him/her and the institution's accountability to the public. Within this tension and within the framework of autonomy accorded to the professor, lies a gray area: to what extent is behaviour to be governed by the norms of the institution? At what point does the personal and private become unethical?

This thesis has tried to explore the dimensions of some of the dilemmas that Codes are intended to address. In the process some contradictions have been raised and some weaknesses identified. Because a university has created and instituted a Code it is not a panacea or an instant remedy that will ensure proper conduct of its faculty members and staff. Because of the unpredictable nature of the obligations that arise from a faculty member's responsibilities (teaching, research and community service), some of them perceive Codes as having a limited ability to anticipate the moral dilemmas of these multifarious

obligations. The institution should be obligated to explain how the principles embedded in the Code are intended to underpin and support these obligations.

One of the factors to be explained is the meaning of some of the guiding principles contained in the Code. An example here is, The University of Waterloo (1999) has specified that discrimination, harassment, sexual harassment and a "poisoned environment" are explicit behaviours that will result in a sanction. The terms discrimination, harassment, sexual harassment are easily understood behaviours, however, the term "poisoned environment" is less so. Its definition can be quite different depending upon the values of the individual faculty member. The meaning of acceptable behaviour in a multicultural society, if not defined, can vary from one individual to another. Therefore, the term "poisoned environment" is more subjective and open to individual interpretation. What is needed in the Code are concrete examples to explain what is actually meant by a "poisoned environment". Concrete examples of what behaviours constitute "highest ideals" and the institutions definition of "integrity of the professional" also need attention. To summarize, more effort has to be made on the part of the university administration to contextualize the ethical principles in light of the larger structures, conventions, norms, and/or cultures of the institution. This could be undertaken at all levels of the institution in the form discussions at the board of governs, senate, faculty council, levels. University wide workshops with a view to establishing concrete examples of proper conduct should be organized.

Academic administrators are defined as presidents or rectors, vice-rectors or vice-presidents and Deans. They are responsible to articulate the goals of the institution and to keep the institution's members aware of them. Since reliance is

based on general education about the Code and its contents at the institutional level, it is their responsibility not only to disseminate that information but also to model the behaviour. The Code cannot fulfill its functions if its members are oblivious to them.

Academic administrators have the responsibility of giving shape to the institution and to contribute to the conditions that give their institution an ethos that is appropriate to higher education. A part of this duty is discharged in the subtle ways in which an institutional tone is set, by what is praised and what is reprovved, for instance, by what kind of models administrators are for the rest of the institution. Proper implementation of a code is the product not of individual faculty members or staff but also the academic administrator. That calls for contributing to an ambience in which discussion is unfettered, where inquiry and experimentation are pervasive, within and outside of the classroom.

To address the concerns aforementioned there is a need for more widespread dissemination of the university's position on behaviour as defined in its principles dictated in the Code. The Departmental Chair can accomplish this as the Chair is no longer merely a leader of a department but also assumes a leadership role at the institutional level. The Chair has the major responsibility for establishing the culture within a department in which the members of a department can function effectively and efficiently by fostering team work and providing for collective dialogue, inquiry, and practice. It is also at this level where actual debate about the Code is needed. Some questions that can be discussed at departmental meetings or in departmental seminars are: what are the actual and anticipated ethical conflicts that faculty members have to grapple with in the department? What dilemmas have they encountered in their

many duties that are common to all faculty members? Which principles in the Code are outdated? This has great potential value for improving the quality of the practice in academic departments. In addition, it provides a framework or foundation upon which specific examples of ethical dilemmas can be designed to test the validity of concepts discussed in different institutional settings and contexts.

To summarize some of the responsibilities of the members at various levels of the institutions:

- Training sessions, program speakers, workshops or conferences should be organized to ensure that the institution is aware that a Code has been adopted and to ensure that they understand its objectives, ideals, principles, standards, rules and procedures.
- The adoption of a Code should be discussed at all levels of the institution, it should be available to all the constituents in the institution including the students.
- Each new faculty member should receive a copy of the Code during their induction (a period during which new academics are introduced to the institution).
- The Chairs of each department should be responsible to remind faculty members and staff what their ethical obligations are.
- Sanctions should be discussed openly and often.

The contribution to improving practice is only limited by the number of individuals who will take the time and effort to read, study, and reflect on the implications of the content and how his or her performance measures up to the practices discussed.

Another problem identified in the thesis was the reporting of unethical behaviour. Since reporting unethical behaviour is an important issue that lies at the heart of Codes one recommendation would be to establish Ombuds Offices in Canadian universities. The Ombudsperson is a central complaint recipient who has traditionally dealt with problems in a confidential, unbiased manner with the power to recommend solutions. Since they are located outside of the hierarchy of the university faculty and staff is encouraged to communicate perceived wrongdoings within the institution. The Ombudsperson would be able to assist in the struggle to resolve moral dilemmas and pragmatic approaches to ethical decisions.

More research about this subject is needed even though there is a growing interest in the subject. Research states that there has been little explicit examination of the ethical dimensions of teaching in higher education in general. Researchers are presently converting the results of empirical data from the corporate world to suit academia. There is a need for empirical research on the systemic moral behaviour of the university community members. Case studies and cross-institutional inquiries are necessary. The character and range of the moral behaviour exhibited by community members of the university require description. Further categorical examination of ethical and unethical behaviours need to be estimated. The most troublesome areas of moral behaviour should be categorized for institutional treatment.

The scrutinization of codes of ethics is important enough to be worthy of inquiry. It is my belief that this work will advance the discussion as well as the establishment and implementation of codes of ethics in academia.

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APPENDIX A – Codes of Ethics



Policies and Procedures Code of Professional Ethics for Academic Staff

GFC AD HOC COMMITTEE ON PROFESSIONAL ETHICS FOR ACADEMIC STAFF
Approved January 20, 1994

Preamble

The University of Calgary is a place of education and scholarly inquiry. Its mission is to seek truth and disseminate knowledge. [Its] aim is to pursue this mission with integrity for the benefit of the people of Alberta, Canada and the world (University of Calgary Mission Statement, 1990).

The purpose of this Code of Professional Ethics for Academic Staff is to provide guidance in exercising the ethical responsibilities inherent in an academic staff position at the University of Calgary. This Code applies to all academic staff, including those who carry out administrative responsibilities.

Ethics is here defined as that set of principles, rights and obligations that ought to govern human relationships. It is recognized that the relationships among scholarly, teaching, and service activities of academic staff are complex. Nonetheless, given that there are unwritten minimum standards expected of academic staff, this Code seeks to identify areas of responsibility of academic staff and the expectations associated with those responsibilities. In some cases the University has established formal policies and procedures; these are referenced in the document. In other cases no formal University policy exists apart from general University processes.

This Code of Professional Ethics for Academic Staff does not in any way diminish the principle of academic freedom, which includes a duty of scholarly integrity to use such freedom in a manner consistent with the responsibility to base both research and teaching on an intellectually honest search for knowledge. This Code does underscore the principle of respect for students, support staff and academic colleagues. It also requires that academic staff be sensitive to the potential for abuse inherent in any authority relationships academic staff have with students, with support staff and which they may have with some colleagues even in those situations where an individual has given consent.

As responsible scholars and members of the University community, academic staff should assist in upholding this Code of Ethics.

NOTE: The Committee is indebted to the Canadian Association of University Teachers Policy Statement on Professional Ethics and Professional Relationships which provided the basis for this Code of Professional Ethics, and the Daniel Callahan for his article "Should there be an Academic Code of Ethics?", *Journal of Higher Education*, 1982, 53(3):335-344.

1. RELATIONSHIP BETWEEN ACADEMIC STAFF AND STUDENTS

1.1 Academic staff should treat students with fairness and respect (e.g. in classroom interactions, in faculty discussions, in providing some method of out of classroom contact with the academic staff member related to course concerns).

1.2 Academic staff should encourage the free exchange of ideas between themselves and students. They should ensure that issues are raised and dealt with in a balanced objective manner while recognizing that effective learning often requires challenging and/or questioning previously held beliefs and assumptions.

1.3 Academic staff should conscientiously strive to be fair and balanced in their evaluation of student work.

1.4 Academic staff, in their scholarship, teaching, service, public performance and other work, should acknowledge academic or intellectual debts to students.

1.5 Academic staff should not exploit their students for personal gain or represent jointly prepared work as their own without acknowledging in full the contributions of their students.

1.6 Academic staff should be fair and objective when providing references for students.

1.7 Academic staff should hold in confidence all personal information gained about students (concerning, for instance, academic progress, personal lives or political and religious views) unless one or more of the following apply:

a) there is a legitimate academic purpose (e.g. consideration of academic or non-academic misconduct) in sharing the information,

b) the student has agreed to having this information shared,

c) the academic staff member believes, on reasonable grounds, that sharing such information will be beneficial to the student or minimize harm to others.

1.8 Academic staff-student personal relationships are ethical insofar as they do not hinder the student's academic progress or create a situation in which a student is favoured on grounds other than academic performance. However, in order to foster objective and professional relationships between academic staff and their students, a member of academic staff should not enter into a sexual relationship with his/her student.

1.9 Where an academic staff member is involved in a relationship as described in 1.8 above, the potential for conflict of interest should be independently evaluated. The academic staff member should inform his or her immediate supervisor of the relationship in order that alternative arrangements can be made for supervision and/or evaluation of the student's work.

2. RELATIONSHIP BETWEEN ACADEMIC STAFF AND SUPPORT STAFF

2.1 Academic staff should treat support staff with fairness and respect.

2.2 Academic staff should respect the contribution of support staff to the work of the University.

2.3 Academic staff should not put support staff in a position which creates an ethical or legal dilemma for them (e.g. requests to copy materials in violation of copyright, to complete fraudulent expense claims, to protect the academic staff member's unauthorized absence from campus, or to access confidential material).

2.4 Academic staff should not make requests that create a personal or administrative problem for support staff (e.g., expecting staff to stay late to suit an academic staff member's schedule or

requests which violate the accepted priorities established by the Department or other administrative unit).

2.5 Academic staff, in their scholarship, teaching, service, public performance and other work, should acknowledge academic or intellectual debts to support staff.

2.6 Academic staff should not exploit support staff for personal gain or represent jointly prepared work as their own without acknowledging in full the contributions of support staff.

3. RELATIONSHIPS AMONG ACADEMIC STAFF

3.1 Academic staff, whether acting in academic or administrative capacity, should treat each other with fairness and respect.

3.2 Academic staff should defend the right of their colleagues to academic freedom. It is unethical for them either to act so as deliberately to infringe that freedom or to allow such infringement by others to pass without opposition.

3.3 While critical evaluation is an essential part of academic activity, academic staff should be fair and objective when presenting a professional judgment on their colleagues' work and should refrain from private and public denigration of their colleagues' professional competence.

3.4 Academic staff should respect the confidentiality of information about colleagues gained during participation in the work of University committees or funding agencies.

3.5 Academic staff, in their scholarship, teaching, service, public performance, and other work, should acknowledge academic or intellectual debts to their colleagues.

3.6 Academic staff should not exploit the work of colleagues for personal gain or represent jointly prepared work as their own without acknowledging in full the contributions of their colleagues.

4. ACADEMIC STAFF AND SCHOLARLY INQUIRY

4.1 Academic staff engaged in scholarly inquiry should be sensitive to the objectives of scholarship which include:

- a. the pursuit of knowledge and understanding;
- b. the communication and application of knowledge within the University and broader community;
- c. the communication to one's students of the specialized skills and knowledge of the academic discipline in which one conducts research; and
- d. the improvement of the quality of instruction.

4.2 Since academic staff must be free to engage in scholarly inquiry they should not enter into any agreement that infringes on that freedom or that compromises their scholarly integrity. The University's policies on "Integrity in Scholarly Activity" (January 1992) and "Research Policy/Research Contracts" (October 1991) provide guidance regarding problems that may arise in the conduct of scholarly inquiry and means by which these problems can be handled. Prior disclosure and discussion with Department Heads, Deans or Vice-Presidents (Academic or Research) is also a mechanism to avoid ethical violation.

4.3 Academic staff should exhibit intellectual honesty and integrity in all their scholarly endeavours.

5. RELATIONSHIP BETWEEN ACADEMIC STAFF AND THEIR UNIVERSITY

5.1 In accepting a University appointment academic staff assume obligations to contribute to the University community in addition to their duties as teacher, scholar, librarian, counsellor, etc. They should act so as to secure the good of the University. Such activities include, though are not limited to, participation in the governance and administration of the University through membership on committees and organizations at various organizational levels.

5.2 Academic staff should seek to inform themselves about, and abide by the policies established for the orderly conduct of the affairs of the University as they are expressed in various University documents. Academic staff should, however, attempt to balance these policies with due attention to the academic freedom of others and the principles of ethical conduct set forth in these guidelines.

5.3 Academic staff should avoid potential conflicts of interest unless, after full consultation, they have the approval of the appropriate University authority to whom they are responsible.

5.4 Academic staff should avoid engaging in outside professional activity that conflicts with their responsibilities and duties to their University appointment.

6. ACADEMIC STAFF AND THE NON-UNIVERSITY COMMUNITY

6.1 In their research, teaching, service, and professional roles academic staff should avoid making statements which blur the distinction between their function as employees of the University and their private capacity. When there is a possibility of such confusion, academic staff should clarify whether they are acting as representatives for the University, or in their own name.

7. HARASSMENT AND SEXUAL HARASSMENT

7.1 Academic staff must not engage in behaviour that constitutes harassment. Harassment means oral, written or physical behaviour or visual display that is abusive or is intended to persistently annoy others and which the instigator knows, or ought to know, creates an intimidating, hostile or offensive working, learning or living environment.

7.2 Academic staff must not engage in behaviour that constitutes sexual harassment. Sexual Harassment means oral, written or physical behaviour, physical or visual display that emphasizes gender sexuality or sexual orientation in a manner which the instigator knows, or ought to know, creates an intimidating, hostile or offensive working, learning or living environment.

Academic staff should be familiar with the University policies and disciplinary procedures in place for dealing with matters of harassment and sexual harassment. (Academic staff are referred to the University's 'Policy and Procedure on Sexual Harassment').

7.3 A reprisal or threat made to the individual who has reported harassment, or sexual harassment, or who has rejected a sexual advance, is also a form of harassment/sexual harassment. Additionally, making a false or mischievous allegation of harassment or sexual harassment, also constitutes harassment.

7.4 Academic staff who are informed of an incident of alleged harassment or sexual harassment

have an ethical responsibility to offer to the recipient of the alleged action both appropriate support and advice regarding correct avenues of possible redress.

Relevant Policies

1. Integrity in Scholarly Activity
 2. Outside Professional Activity
Faculty Guidelines - Outside Professional Activity
 3. Research Contracts
 4. Policy and Procedures: Sexual Harassment
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**CONCORDIA UNIVERSITY CODE OF ETHICS
GUIDELINES FOR ETHICAL ACTIONS**

Effective Date:	October 1, 1997	Originating Office:	Board of Governors
Supersedes/Amends Policy dated:	April 19, 1995	Policy Number:	BD-4

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PREFACE

This Code is designed as a handbook to guide all University members (members of the Board of Governors, administrators, staff, faculty and students) on appropriate behaviour in relation to the University.

The Code sets forth standards for good academic conduct. General ideals and principles ought to inform our understanding of the prevailing values and standards which result in an expected way of acting. These principles offer us general terms

and criteria for discussing such ethical issues as treatment of research subjects or conflicts of commitment and interest. There may be clear agreement on some of these issues; some are evolving toward a consensus; and others remain in a state of perpetual evolution.

For those principles on which there is clear agreement, specific rules have been developed. For example, we must not plagiarize or cheat or misappropriate funds; we must disclose real or potential conflicts of commitment and conflicts of material financial interest. Some of these rules have been clearly articulated in official documents of the University. Whether any violation of such rules constitutes serious professional misconduct and is subject to discipline must be determined on a case by case basis. In cases where the question of what is or is not unethical conduct is less clear, general ideas and principles in this Code may inform our understanding of the rules but must not in themselves be the subject of disciplinary action or sanctions.

This Code does not stand on its own. Members of the University are already guided by a number of other codes, policies and directives which set forth standards of good conduct. The Code recognizes their importance and does not supersede them. These other codes and policies, which already possess some measure of authority, include: the Social Science and Humanities Research Council's (SSHRC) *Guidelines for Research with Human Subjects*; the Canadian Council on Animal Care (CCAC) *Guidelines on Animal Care*; the Tri-Council Policy Statement *Integrity in Research and Scholarship*; professional ethical codes for specific professions; Concordia University's existing *Code of Conduct (Academic)* and *Code of Rights and Responsibilities*, which are reprinted in every graduate and undergraduate calendar; Concordia's by-laws and the *Code of Ethics and Professional Conduct regarding members of the Board of Governors of Concordia University*; and existing collective agreements.

The collective agreements between the University and the full and part-time faculty associations and the other unions and associations at Concordia state in legally binding terms for specific constituents what kinds of behaviour (i.e. what this Code refers to as misconduct) are subject to disciplinary actions. University members are directed to examine relevant collective agreements for information that is specific to them and, in particular, when the question of disciplinary procedures arises. University members who belong to unions shall be governed by the procedural and substantive provisions set out in the relevant collective agreement while University members who do not belong to unions shall be governed by the procedures and substantive provisions set out in this Code.

This Code has incorporated material from several sources, including the Tri-Council Policy Statement on Integrity in Research and Scholarship, the Canadian Association of University Teachers' document on academic misconduct, the International Committee of Medical Journal Editors' statement on authorship, and the National Science Foundation (USA) distinction between misconduct and questionable behaviour.

Ethical issues may arise in many different guises: as currently unrealized ideals we seek to achieve, as conflicts we seek to mediate, as dilemmas we seek to understand and manage, as questionable behaviour we may seek to limit and correct, and as misconduct we seek to stop and punish. Ethical codes are inadequate if they only attempt to police misconduct and do not help us act responsively and responsibly in relation to less dramatic situations¹. This Code is designed to foster and not suppress discussions and conversations about ethical concerns, especially about the wide variety which call for debate, deliberation and judgment.

INTRODUCTION

The six principles which govern this Code of Ethics are the pursuit of knowledge and truth, academic freedom, collegiality, accountability, justice, and integrity. The standards and processes spelled out in this Code attempt to embody and give life to these principles. In turn, these standards and processes will foster responsible ethical behaviour to the extent that we commit ourselves to these principles.

The Pursuit of Knowledge and Truth. First, Concordia University, like all universities, is committed to the pursuit of knowledge and truth. We do this in several ways. Through scholarly inquiry, we seek to know more about the world, to discover new truths, and to uncover and correct misconceptions. Through instruction and classroom discussion, we seek to encourage a love of learning, to overcome ignorance, to foster a rigorous examination of ideas, and to transmit knowledge. Because the commitment to truth and knowledge is so fundamental to our task, the University is undermined by conscious acts of deceit, particularly in academic activities. While disciplinary decisions must be made on a case by case basis, plagiarism, cheating, fabrication and forgery are generally treated as grave offenses. Even when these acts of deceit do not cause extensive material damage, they attack a value central to the University and undermine its public credibility.

Academic Freedom. Second, we are committed to academic freedom. We seek to promote those activities that provide opportunities for people to pursue their academic objectives - their research, teaching, education and scholarship. Academic freedom calls us to protect these activities so that they are not interfered with. Traditionally, academic freedom has meant the right of faculty to communicate openly in their teaching and scholarship, and to participate and offer criticism in university and public debates without censorship. All University members ought to be able to communicate informed views and criticisms based on their learning and study without being censored. Academic freedom also implies academic responsibility: respect for the rights of others to express their opinions, fairness in expounding differing points of view, and the encouragement of critical thinking.

Collegiality. Third, collegiality is integral to our identity as a university. Because of our commitment to collegial decision making, we make our basic organizational decisions through representative collegial bodies, such as departments, councils, a University senate and a Board of Governors, as well as through faculty, staff and student associations. Collegiality also deeply and extensively influences our activities as Board members, administrators, managers, faculty, staff and students. It fosters

lively discussion, good questions, pointed criticism and instructive appreciation. We collaborate when it is useful, and hold each other accountable for our work, whether it be academic or non-academic. The extent to which we are able to promote responsible - even exemplary - conduct depends in large part upon our capacity to foster a lively sense of collegiality.

Accountability. Fourth, the concept of accountability contains within it a normal and regular process of review and evaluation on the part of all members of the University community. In a collegial organization, the Administration, as well as the Board of Governors, is accountable to the University community. This requires that budgeting and administrative decision-making must be consultative and transparent processes. Faculty and staff and others covered by collective agreements are accountable for the performance of their duties and responsibilities as defined in the relevant collective agreements. Students are accountable for the obligations enjoined upon them in the University Calendar. All members of the University community are accountable for their conduct towards one another.

Justice. Fifth, we are committed to justice. This commitment assumes several forms in relation to University concerns. The principle of natural justice calls, in the first place, for respect for persons and their fair and equitable treatment. We are led by our commitment to justice to insist upon fair procedures for adjudicating disputes and negotiating agreements. These include commitments to due process, the right to proper notice, the right to represent one's own views and to question those who accuse us, the right to see and hear evidence against oneself with a reasonable time to respond, and the right to receive reasoned and timely judgments of complaints and disputes.

Integrity. Sixth, we are committed to individual integrity. This means that we should exercise good judgment, act without deceit, be committed to and accountable for the primary functions that are associated with our various position(s) and role(s) and be guided by our informed consciences. The chapter on Academic Integrity (Chapter 1) deals with ethical guidelines related to learning and collegiality. Research Integrity (Chapter 2) concerns the ethical guidelines that should guide our research, scholarship and creative activity. Administrative Integrity (Chapter 3) deals with the ethical guidelines associated with the carrying out of our responsibilities and duties in the governance of the University. Chapters four and five discuss ethical guidelines related specifically to issues of conflict of interest.

CHAPTER ONE : ACADEMIC INTEGRITY

Academic Work. The University fosters academic work, which involves education, learning, scholarship, scientific and artistic creation, as well as, collegial activities and professional services. Full-time faculty are expected to contribute in all these ways, and in consultation with their chairs (or deans), determine the time they will devote to each type of academic work. Many other University members support rather than directly participate in academic work. Others engage in some, but not other, aspects of it.

A. Educational Responsibilities

Good education is gauged by the quality and quantity of learning that takes place among those participating in University activities. Faculty and students are expected to devote their energies conscientiously to develop their competence, their effectiveness as teachers and students, and their ability to learn.

Faculty2. Faculty are expected to be conscientious in carrying out their teaching responsibility which, in general, includes the preparation, organization and presentation of course materials at scheduled class times, and availability to students outside of class hours, curriculum development and preparation of course material for student use, and the direction and evaluation of student progress in courses, research, thesis and practical work (including marking and timely submission of grades). Faculty have a responsibility to provide the opportunity for student input on the quality of courses and teaching.

Faculty should encourage the free exchange of ideas among themselves and between themselves and students at appropriate times in order to foster good academic experience. These exchanges must be governed by standards of fairness.

Students. Students are expected to be conscientious in all their work and activities, in exercising their rights, and in providing useful input for the faculty on the quality of courses and teaching. Students own their intellectual work to the degree of their own contributions; however, they should not restrict access to data to faculty or others who helped create it.

Others. Members of the Board of Governors, administrators, managers and staff are expected to be conscientious in carrying out their responsibilities and in facilitating and fostering the academic mission of the University.

Supervisory Relationships. Certain obligations and responsibilities are assumed by those who enter into supervisory relationships. Faculty are expected to communicate clearly what is expected of students, to be available periodically for consultations, to instruct students and foster their learning, and to provide reasoned evaluations of their work. Students in turn are expected to perform their work conscientiously and to seek out counsel and criticism of their work. Whenever students are invited to work on research projects, they should be fully informed as to the purposes of the projects and the expectations as to their general duties and responsibilities in the context of these projects. Because projects frequently undergo evolutionary changes in the course of time, it is essential that there be a clarification of the roles as appropriate. The same general rules should apply in the matter of the supervisory relationship between faculty and teaching assistants, in order that from the outset, the duties and responsibilities of one to the other be clear. Technicians function in an intermediary position: subject to direction and supervision by faculty and, in turn, providing supervision of students. Technicians must be conscientious in their sense of responsibilities as well as in the performance of their duties.

B. Collegial Responsibility

All University members are expected to act collegially. We are expected to be good citizens of the University, to take good care of the resources entrusted to us, to act civilly towards other University members (to foster the academic culture), and to support the University and its work by our presence and efforts. Collegiality does not presume homogeneity of views or the absence of strong criticism. It does entail mutual respect for the right of the other party to express his or her point of view.

Confidentiality. Information meant to be confidential must be treated as such by members of the Board of Governors, administrators, managers, faculty, students and staff. The injunction to confidentiality should not preclude the use of information in grievances or initiatives such as salary equity studies. Judgment and scrupulosity must be exercised as to the openness of confidential information when it is transferred from one context to another.

Participation in University Life. As faculty, administrators, students and staff, we have the right and the responsibility to participate conscientiously in the governance and administration of the University, through membership in committees and organizations at the Board, Senate, Faculty and Departmental levels. We are committed to openness in all these institutional deliberations. We are expected to be available and accessible to foster academic discourse. Members of the Board of Governors are expected to become familiar with the academic life of the University so as to become informed members of the University community. Line administrators are expected to keep in touch with the academic life by their own involvement in such activities as teaching and/or research.

Safety. The University has an obligation to provide safe conditions for the work of its members. It must take effective steps to prevent unreasonable disruptions of the work place. In addition, University members are jointly responsible for promoting safe conditions for their work in classrooms, laboratories, studios, sports arenas and elsewhere. Due care must be exercised when working with hazardous materials. It is our responsibility to address this concern both by counselling people to exercise care, and by calling attention to, and rectifying, conditions that seem unsafe or risky.

CHAPTER TWO : INTEGRITY IN RESEARCH, SCHOLARSHIP, AND CREATIVE ACTIVITY

Students, faculty, administrators and staff are directly engaged in activities aimed at enhancing research, scholarship, and creative work, and their own corresponding skills. The specific rules on integrity in research, scholarship and creative activity which apply to all members of the University community who engage in research are listed in the box below. 3. Some general ideas and broad principles which underlie these rules are expounded after the box.(Authorship)4.

Authorship: Members shall recognize and include as authors only those who have made a substantive intellectual contribution to the work in question.

Intellectual misconduct in academic research and scholarship is defined as:

- a. fabrication, falsification, or plagiarism;
- b. failure to recognize by authorship or due acknowledgement the substantive contributions of others, including students; or using new information, concepts or data obtained through access to confidential manuscripts or applications for funds for research or training or that may have been seen as a result of processes such as peer review; or using archival material in violation of the rules of the archival source;
- c. failure to comply with relevant federal and provincial statutes and regulations as well as University regulations for the protection of researchers, human subjects, or the health and safety of the public, or for the welfare of laboratory animals, or failure to meet other legal requirements that relate to the conduct of research.

Misconduct in research and scholarship does not include those factors intrinsic to the process of academic research, such as honest error, conflicting data, or differences in interpretation or judgment of data or of experimental design.

In our role as researchers, we collect data, some of which we use to write articles, books and reports. It is a noteworthy scholarly achievement to create usable data. While formal title to the data may be vested in the name of a specific researcher, everyone who intellectually contributed to its generation should have access to it. Proprietary claims which researchers possess with respect to data are not unlimited. For example, if after publication, we are challenged by other researchers, we should allow the challengers to examine our data in order to verify the reliability and validity of our readings and interpretations. In addition, whenever possible, collegiality ought to foster professional collaboration and limit restrictive hoarding of data or novel research instruments.

As members of the University community, we are expected to produce our own work and to represent as our own only what we ourselves have produced. In our scholarship and creative work, we are expected to give due credit whenever we consciously use the words and phrases, visual and oral composition, expressions and formulations of others, either by direct citation, replication or paraphrasing. This standard applies whether the originals were published or not. Whenever we are called upon to present our own work after participating in study or research teams, we should indicate how we have drawn upon or been helped by other members of the group in an appropriate manner: e.g., by a verbal or written citation or other appropriate acknowledgement.

Scientific and Artistic Productivity. As a university, we hope that as many of our artists and scholars as possible will contribute to the arts and sciences. However, we must guard against the use of simplistic and arbitrary measures of scientific and artistic productivity. What matters most is not just the number of works we produce

but their quality, their contribution to the development of the arts and sciences, the extent to which other scientists and artists find them worthy, or their contribution to social well-being.

Use of Research Funds. Researchers are required to follow strictly the regulations governing the use of research grants published by granting agencies as well as relevant University regulations. All direct funding sources used in the conduct of research should be acknowledged in publications, exhibitions or performances. The intentional misuse of funds designated for research purposes represents financial misconduct and is prohibited.

Although researchers are encouraged to use their grants to share common research expenses, these should be apportioned on the basis of the benefit or use obtained. Grants must be used for the benefit of the researcher's own research program. Researchers must not be required to contribute to *pooled* expenses from which they obtain no benefit.⁵

Research With Human Subjects, Animals and Dangerous Materials. Appropriate guidelines must be followed for research involving human subjects, animals, and dangerous materials. These guidelines apply under all conditions, whether the research is funded or not, and whether it is conducted by faculty, students, staff or visiting researchers. When conducting research with human subjects, researchers are expected to include as subjects only those who have freely chosen to participate on the basis of informed consent, who may discontinue their participation at any time if they so choose, who are informed if any deception is employed, who are adequately protected from any potential risks and dangers, and who are appropriately counseled and referred for assistance if necessary.⁶ For a fuller discussion, see the Guidelines of the Social Sciences and Humanities Research Council *Guidelines for Research with Human Subjects*.

Anyone proposing to undertake research with human subjects must complete a summary protocol form, which must be approved by either the University Human Research Ethics Committee or equivalent departmental committees.⁷ Similarly, anyone undertaking research using animals must adhere to recognized guidelines on animal experimentation, take good care of these animals, and avoid unnecessary pain.⁸ They must complete application forms which are then reviewed by the Animal Care Committee of the University. Where appropriate, they should consult with the University Bio-hazards committee or the University Radiation Committee.

CHAPTER THREE : INTEGRITY IN UNIVERSITY GOVERNANCE

Members of the Board of Governors have a responsibility to espouse the values and philosophy of the University and to reinforce them whenever opportunities arise. Together with the senior administration, they shall establish and maintain a climate of trust and mutual respect, through the manner in which they conduct themselves within the University community. It is the responsibility of the Board to ensure that the mechanisms of accountability are in place.

Senior administrators assume broad administrative responsibilities. They are expected to establish and maintain open and transparent systems of operation, accessible and intelligible to all those whom they direct and manage. They should keep the University community fully informed about the nature of the issues that affect the University and invite members of the University to participate in the solution of such issues. It is expected that the reasons for final decisions on university-wide issues will be communicated in a written report to the University community.

In their capacity as Members of the Board of Governors, administrators, managers, chairs, and supervisors, University members are expected to act responsibly and fairly. In their handling of all issues, they are expected to honour the principles of integrity, collegiality, natural justice, and due process.

Many other University members also help to administer the University. They do so to the degree that they participate in the governing boards and councils of the University, exercise managerial positions in relation to University programs, and/or assume supervisory responsibility over the work of others. They also act as principal investigators in relation to their research projects, as supervisors in relation to their staff, and as Chairs in relation to their colleagues.

Administrators, managers, chairs, and supervisors are expected to communicate clearly what is expected of those in the work units that they direct or manage. In particular, they are expected to familiarize themselves with and communicate this Code of Ethics and other relevant material from other codes, policies and collective agreements. They are also expected to communicate relevant performance expectations to others within their units. It is the responsibility of all supervisors to provide timely, objective, and intelligible feedback on the work of those they supervise. They may provide this feedback either as formal written reasoned reports or informally as allowed or specified by relevant collective agreements.

From time to time, conflicts and dilemmas may arise within particular work units. It is the responsibility of administrators to attempt to address and resolve conflicts and dilemmas in their units. They are expected to foster discussions, and seek the aid of other university offices or centres which may help them address these problems. They should also act in full cognizance of the relevant collective agreements. Administrators are expected to intervene as soon as possible within their units if they suspect others of misconduct or acting questionably.

CHAPTER FOUR : CONFLICTS OF INTEREST

Conflicts of interest are situations in which the judgments and subsequent actions of individuals are likely to be affected because of multiple, competing interests. In such situations, we need to find responsible ways of balancing personal autonomy, privacy, professional integrity, and accountability.

This chapter highlights major kinds of conflict of interest: those involving personal relationships, those emanating from the multiple roles played by University

members, those arising in relation to the use of University resources, those arising out of material financial interests, and those arising out of external collaborative activities. In addition, a special form of conflict of interest, conflict of commitment is addressed.

A. Conflicts of Interest Involving Personal Relationships

The quality of decisions may be adversely affected sometimes in settings where those making the decisions have personal relationships with those who are the subjects and possible beneficiaries of these decisions. The critical concern here is to ensure that personal regard, whether positive or negative, does not unduly, unknowingly, inappropriately or unfairly affect how decisions are made. Conflicts of interest may arise, or may be perceived to arise, when people are involved in making decisions affecting any members of their families, relatives, or those with whom they have or have had intimate relationships. We ought to excuse ourselves from such decision making. Moreover, unless it can be shown to be of negligible importance, we should generally excuse ourselves from decisions affecting present or former business partners. We may excuse ourselves without openly having to declare the reasons for our decisions, if we judge that our personal regard for others will adversely affect the objectivity of our decisions. In many cases, however, we can manage potential conflicts of interest by frank but discreet disclosure of these relationships and by the readiness of our colleagues to speak up whenever personal bias seems to arise.

B. Conflicts of Interest Involving Multiple Roles within the University.

Conflicts of interest may arise when the same person plays several roles within the University. A University member can be involved organizationally in two or more relationships with another member such that the interests specific to one role inappropriately affect decisions made with respect to the other role. As with personal relationships, these real, potential and apparent conflicts of positional interest can be handled by excusing oneself from making a decision where either it becomes, or it appears to become, difficult to render balanced, objective judgements. These conflicts of interest may also be handled by open and collegial attention to possible bias.

C. Conflicts of Interest Arising in Relation to the Use of University Resources

The University has diverse resources. Where the goals of the member and the University coincide (for example, in scholarly publication), University resources may be used. The University has the right, however, to recover costs when individuals use University resources for outside professional activities. For example, the University charges overhead fees for all contract research projects. If used for outside activities or for personal purposes, members shall pay the University for space, computer time, lab equipment and supplies, long-distance calls, secretarial services, mail services, and accounting services, as appropriate. The administration for collecting fees may differ, but in each case, the appropriate Vice-Rector is ultimately responsible.

Use of University Name. We need the express permission of the Board of Governors to utilize the University's name for any purpose unrelated to our role or duties at the University. This does not obviate the right to identify ourselves by our position and our employer.

D. Conflicts Arising Out of Material Financial Interests

University members may freely contract to sell works they have produced as University members without occasioning conflicts of interest. These works may include essays, books, films, works of art, choreography and inventions. The provisions of the relevant collective agreements shall apply. Where a collective agreement is silent or where there is no collective agreement in place, the member shall negotiate a written agreement with the appropriate Vice Rector, Secretary-General, Rector or Chair of the Board with respect to the sale of their work.

As an external activity, some University members establish firms to offer consultative services, engage in research under contract to others, or fabricate and/or market goods or services. Our involvements in these firms must not infringe on our contractual commitments to the University. These involvements should not hamper the University's own research and professional activities. If students are hired to work for these firms, their activities as employees should not affect their evaluation as students.

Making Transactions. Conflicts of interest can arise when University members, including members of the Board of Governors, have material interest in firms or organizations with which the University enters into transactions. University members can unfairly benefit as a result of these transactions. Therefore, we should excuse ourselves from negotiating transactions with firms in which we, close relatives, or those with which we have a valued relationship possess significant material financial interest.⁹ We should excuse ourselves from any settings in which as a University member we would be negotiating with ourselves as representatives of other agencies or firms. In settings where we still possess a material financial interest of a smaller or less direct nature, as, for example, a copyright author of a text, we should consult with our supervisors when making related purchasing decisions.

E. Conflicts of Interest Arising Out of External Activities

Increasingly, universities and their members have developed working relationships with government agencies and private industry which support and extend their research and use their skills and knowledge in ways that are socially, and at times economically, beneficial. These relationships have been encouraged by government and welcomed by industry. They often provide opportunities to expand and support academic, creative, athletic and scientific activities, to establish useful applications for scholarly work, and to offer training opportunities for students. However, potential conflicts of interest arise as the lines between the University and industry, scientific research and industrial development become blurred.

We should explore ways of connecting these external collaborations with scholarly, scientific, athletic and creative endeavours at the University, through its research and service centres. These connections facilitate stimulating exchanges of ideas and limit the extent to which University members isolate themselves from colleagues and become excessively preoccupied by their external work.

As University members, we should enter into external collaborative research when the conditions allow us to publish the results of our investigations in a timely fashion. If collaborations assume the form of contract research, however, then they must adhere to the University policy for these ventures. University members receiving funds from these projects must make annual reports to the appropriate authority on the status of the funds and the use made of them. Our engagement in external work shall not exceed the time limits set out by the relevant collective agreements or by our agreements with our supervisors.

F. Conflicts of Commitments

A conflict of commitment is a special form of conflict of interest that arises with respect to how we spend our time in relation to our specific duties and responsibilities. Because many University members are extended considerable discretion over the use of their work time, *apparent* or *potential* conflict of commitment situations arise from time to time. A real conflict of commitment exists whenever our involvements with other activities interfere with our commitment to our duties and responsibilities. If a real conflict of commitment exists then steps must be taken either to reduce or eliminate these other involvements or to renegotiate our work assignment to a reduced level.

Conflicts of commitment could apply to anyone who works for or at the University and receives remuneration for this work, whether in a full or part-time capacity. The basic principle may be stated as follows: We may well make other commitments, remunerative or not, so long as these do not interfere with or prevent us from honouring in full our specific and general commitments to Concordia University. What is fundamentally decisive is not the extent or kind of these other activities and involvements, but whether and to what degree these commitments detract from our ability to honour our commitment to Concordia.

All full-time faculty, staff, administrators and fellowship-holders are expected to make a full-time commitment to the University and are not to hold any other full-time remunerative positions. However, they may hold other *part-time* remunerative positions, as their specific collective agreements allow, if these can be performed without compromising their ability to perform their duties and responsibilities in keeping with expected standards.

Decisions to engage in part-time consultative, professional and other work-related activities must always be made in *open consultation* with appropriate supervisors and colleagues. These activities should not interfere with our ability to perform our primary obligations as employees and fellowship holders. Decisions to undertake such involvements are not strictly private, personal decisions. The University,

through the relevant supervisors and colleagues, must be made aware of these involvements and can raise questions as to their extent and appropriateness.

G. Related Issues

Disclosure and Consultation. Whenever the actions or decisions of either ourselves or others might be adversely or disproportionately affected because of a conflict of interest, we have an obligation to disclose these interests and related concerns to appropriate supervisors and colleagues. We have a further obligation to consult with them on the measures to be taken to identify, manage and/or terminate real or potential conflicts of interest. It is particularly useful to discuss situations in which there are only *apparent* conflicts of interest. Open discussions of these apparent conflict situations can show the University and its members how to discern more clearly the differences between real and apparent conflicts. It is wrong to conceal knowledge of material facts bearing upon instances either of misconduct or questionable practices.

Seeking Resolutions. Whenever those with supervisory responsibilities judge that University resources are being used inappropriately or without fitting compensation for the University, they should raise their concerns with the University members in question and seek a fair and fitting written resolution. Should they be unable to reach an agreement, these cases may be referred up to the relevant Vice-Rector, Secretary-General and/or Rector.

Refusing Gifts. As we engage in transactions and make decisions relating to our work at the University, we ought in all situations to decline and indicate our unwillingness personally to receive sizeable gifts or benefits from those engaged in such transactions or work. Small gifts may be received so long as they do not appear to lead us to make decisions that unfairly benefit the donor.

Terminating Activities. Cases where real or potential conflicts of interest are particularly severe can only be resolved by terminating the activities giving rise, or likely to give rise, to these conflicts.

Need for Discretion. The range of fitting responses to conflicts of interest is diverse. Not all real or potential conflicts of interest can be managed simply by disclosure of the interests involved; different conflicts call for different responses. In order to exercise good judgment, these cases need to be discreetly yet fully discussed by the persons involved and their supervisors. Any public questioning of the appropriateness of particular responses ought to be avoided until regular, internal avenues of inquiry have been pursued and exhausted.

CHAPTER FIVE: ATTENDING TO ETHICS

This chapter discusses the ways we are expected to raise, consider, and resolve ethical issues.

Sizing Up Situations. When an ethical issue arises, we should attempt to identify the issue as clearly as possible, assess its seriousness, initiate informal investigations,

discount hearsay evidence, and explore possible alternative responses. It is often useful informally to seek out the counsel of others. We ought to consult relevant University codes, policies, and collective agreements. Depending upon the character of the issue and the University status of those involved, we may seek advice from any of the following: the Ombuds Office, the Advisor on Rights and Responsibilities, the University's Legal Counsel, the Student Advocacy Office, the Dean of Students, union representatives, or the Office of Research Services. If we think that a formal complaint ought to be made, we may also seek the assistance of these same officials in helping us to make our case.

Determining Which Codes or Policies are Applicable. Those raising issues or making complaints should determine whether the case under consideration arises in relation to this Code, the Code of Rights and Responsibilities, the Code of Conduct (Academic) or another University policy. Procedures for raising, making, and hearing formal complaints differ with respect to these different codes.

Determining the Type of Issue. Ethical issues assume different forms. Although no hard and fast boundaries exist, it is possible to distinguish among several quite different forms by which ethical issues arise.

(1) Many issues assume the form of dilemmas. For most ethical dilemmas, there is no one right answer and differences of views are legitimate. For example, we may differ on the best way to manage some conflict of interest situations, promote workplace equity, or foster responsible supervision of graduate students. We may also disagree on the best way to handle issues related to academic integrity or to champion new ideals, worthy reforms and innovative moral projects. Dilemmas and conflicts like these are best handled through discussions, consultations, negotiating and, at times, hard bargaining.

(2) Other issues arise when a University member is suspected of acting in a morally questionable manner. Questionable behaviour typically occurs because of inattention, carelessness, negligence, or honest but mistaken views about the propriety of particular practices. Issues with respect to questionable practices are often best handled through ordinary supervisory and collegial patterns of accountability.

(3) Still other ethical issues arise when a University member is suspected of misconduct. These concerns are raised because a University member is suspected of violating obligatory standards of conduct. The National Academy of Science (USA) has distinguished questionable practices from academic misconduct on the basis that the latter identify more serious violations of scholarly, scientific, and financial standards executed with wilful intent. Issues with respect to misconduct often call for formal hearings.

Exercising Judgment. We must exercise good judgment both in how we apply this Code to our own activities and how we raise issues. We must exercise our judgment in determining how serious particular cases are and whether initial responses adequately address the issue in contention. As we or others raise an ethical issue, we

must decide in our best judgment whether the case represents a genuine ethical dilemma, an instance of questionable behaviour, or a case of misconduct. Additionally, before we voice criticism, we are called upon to consider thoughtfully the judgments and justifications of supervisors and hearing panels with which we may disagree. Whenever we raise questions, make complaints, issue reprimands, and render judgments in relation to this and other University codes and policies, we are called upon to support our positions with appropriate information and arguments.

Confidentiality. We invoke the principle of confidentiality whenever we judge it fitting to protect the identity of persons from public exposure and scrutiny. Many discussions of ethical issues can and ought to take place openly. In other cases, however, especially those involving alleged instances of questionable practices or misconduct, it is often advisable for discussions to proceed confidentially.

Initially, both informal and formal complaints of misconduct or questionable behaviour ought to be made privately and confidentially to protect the identities of persons against whom complaints are made. The latter should not be subjected to public exposure prior to attempts informally or formally to resolve the issues at hand. Because the reputations of people can be inadvertently harmed, queries of suspected questionable practices and misconduct should be voiced privately and professionally.

While it is often possible to protect confidentiality of complainants with respect to the public, it is not always possible to protect their identity from those against whom they are complaining. Formal complaints of misconduct or questionable behaviour can be made confidentially in ways that protect the identity of the initial, informal complainants only so long as it is possible to produce substantial, verifiable and independent evidence in support of these complaints.

Anonymous Allegations. Complaints and allegations received from unnamed and unacknowledged sources will not be considered. No actions will be taken on the basis of anonymous information except where there is clear and present danger to persons or property. University members cannot be subjected to formal investigations based on anonymous testimony.

Honest Error. It sometimes happens that University members question the propriety of actions which are subsequently judged to be either acceptable or questionable but of insignificant importance. We should not be penalized for raising such questions. The University will protect University members who raise questions and initiate complaints in good faith but may take action against those who speak against others maliciously.

CHAPTER SIX: RAISING AND HEARING FORMAL COMPLAINTS¹⁰.

A. Making Formal Complaints

Determining Whether to Make Formal Complaints. Any University member may initiate informal complaints with respect to suspected misconduct. If we think that a formal complaint ought to be made, we need to discuss this concern with the Appropriate University Authority (AUA). It is the responsibility of these Authorities to investigate the cases brought to them and to determine whether to lodge a formal complaint. In order to undertake these tasks, the AUA may seek out the advice and expertise of others.

Who Makes Formal Complaints? Formal complaints are made only by an AUA specially designated with this responsibility.¹¹ The AUA chosen depends on the status of the University member against whom a complaint is made. When faculty members or librarians are involved, the AUA is the Faculty Dean or Director of Libraries. When students are involved, the AUA is the relevant individual set out in the Code of Conduct (Academic). When complaints are made against staff, a supervisor at least two levels above will serve as the AUA. In the case of Senior Administrators and Board Members, the AUA is a Vice-Chair of the Board.

When Complaints Are Made By Persons Outside the University: People from outside the University may request that the University undertake an investigation of alleged improprieties committed by University members. Depending against whom a complaint is made, the specific AUA is expected to act as she or he would with informal complaints and allegations raised by University members.

How are Formal Complaints Made? Formal complaints must be written. They must clearly identify the incidents or activities in question and the way these violate this Code. Copies of this complaint must be given to the person(s) against whom the complaint is made in a timely manner. Formal complaints may be withdrawn at any time. Complaints must be handled fairly, in keeping with the principles of natural justice.¹²

B. Formal Hearings:

A formal complaint is submitted to a hearing process presided over by an individual or panel (hearing panel). The hearing panel is expected to receive and consider all evidence submitted by both parties, the AUA and those against whom complaints have been made, and may request further information. Those complained against may be supported by an advisor from within the University. The hearing panel renders its decision or makes its recommendations in a reasoned, written report. Hearings are expected to occur promptly and decisions or recommendations are expected to be rendered without undue delay. The hearing process must protect the confidentiality of its proceedings and the identities of those involved to the extent permitted by the relevant collective agreements and by law.

Absent the consent of the parties, hearings of formal complaints take place in camera. During these proceedings, every attempt should be made to safeguard the identities of the parties. Those making complaints should not publicly discuss their complaints unless they can protect the identity of those against whom they are

making complaints. Those facing complaints can choose to discuss the substance of the complaints against them with others so long as they do so discretely and do not identify the source of these complaints. The issues arising out of these cases can be publicly discussed so long as the identities of the parties remain confidential.

Who Holds Formal Hearings? The composition of a hearing panel is determined by the University status of the individual against whom a complaint has been made. With respect to faculty, librarians, and staff formal hearings are conducted in keeping with procedures set forth in their respective collective agreements or University policy. With respect to students, hearings are conducted in keeping with procedures set forth in the Code of Conduct (Academic). With respect to Senior Administrators and Board Members hearings are conducted by a four member hearing panel appointed by the Chairperson of the Board to whom recommendations are in turn forwarded.

How are Hearing Panels Composed? For formal hearings involving students, Senior Administrators or Board members, hearing panels are named for each case. Panel members will be named from previously designated hearing pools. For student cases, hearing pools and hearing panels are named in keeping with procedures set forth in the Code of Conduct (Academic). For cases involving Senior Administrators and Board members, panels will be drawn from a pool composed of eight persons, four selected by the Board and four by the University Senate. Each panel will include two members named by the Senate and two members named by the Board.

C. Possible Disciplinary Actions

When University members are found guilty of misconduct or serious questionable practices, a sanction is imposed, which should be proportionate to the seriousness of the infraction.

D. Appeals

University members found in violation of the Code of Ethics may appeal the decisions and/or sanction reached against them. How appeals are conducted varies with the status of the individuals. All University members whose relationships with the University are governed by collective agreements can appeal judgments through arbitration procedures established by their respective collective agreements. Students can appeal judgments rendered by virtue of the Code of Conduct (Academic) to the Senate Appeals Committee on Academic Misconduct. Graduate students can appeal certain judgments to the Graduate Appeals Committee. Senior Administrators and Board members can appeal judgments to the Board as a whole.

1. This Code is deliberately written in a discursive form suitable for a collegial institution. When this Code is called upon for disciplinary purposes, it is necessary to give due allowance that it is written in this manner. In many places, it gives examples or standards for illustrative purposes without

attempting to cover in detail all the ethical concerns that might arise within universities. Activities not explicitly forbidden by this Code are not necessarily thereby permitted.

2. Unless specifically noted, the word "faculty" throughout this code refers to both full-time and part-time faculty members, just as the word "student" refers to both full-time, and part-time undergraduate and graduate students.

3. The rules are reproduced from the Collective Agreement with the Concordia University Faculty Association.

4. The International Committee of Medical Journal Editors proposed four guidelines for determining authorship. Modified to refer to artistic as well as scientific work, these guidelines are recommended as a useful reference for determining who should be counted as authors: "Authors ought to meet the following criteria: (1) They must make a substantive contribution to the design and/or analysis and/or interpretation of works of art or to research projects and the data they produce; (2) they must help produce the work of art or help draft or revise subsequent articles or books which report on this research; (3) they must play a significant role in reviewing these publications or creations in relation to their intellectual or artistic content; and (4) they must review and approve the final drafts of these publications, exhibitions or performances. Other contributions should be indicated in footnotes or acknowledgement sections." The Canadian Association of University Teachers adds the following guidelines: " Purely formal association with the research project such as the headship of a laboratory or faculty where the head or dean had no direct research involvement may be noted as an acknowledgement but not as authorship. General supervision of the research group is also not sufficient for authorship but may be acknowledged. Technical help, data collection or critical reviews of the manuscript prior to publication may be acknowledged in a separate paragraph."

5. The NSERC Award Guide, paragraph 190.

6. For a fuller discussion, see the Guidelines of the Social Sciences and Humanities Research Council *Guidelines for Research with Human Subjects*.

7. All funded and non-funded research conducted by employees of the University must receive a certificate from the University Human Research Ethics Committee. All student research which does not fall under a prevailing certificate must be approved by departmental committees.

8. For a fuller discussion see the Guidelines of the Canadian Council on Animal Care, *Guidelines on Animal Care*.

9. Significant financial interest for these purposes includes ownership, substantial stockholding, directorships, substantial honoraria or consulting fees but does not include stockholding in publicly traded or private companies where holdings constitute less than 10% of the outstanding common stock.

10. Chapter Six attempts, in a global manner, to explain the basic processes to be followed when formal complaints are made. No procedure in this Code supersedes any collective agreement or existing University policy.

11. If the AUA happens to be involved in a case brought to them, then he or she ought to excuse themselves and ask another University member in an equivalent position to assume this responsibility for them.

12. See University Handbook on the Rules of Natural Justice.

McMASTER UNIVERSITY

Complete Policy Title: **STATEMENT ON ACADEMIC ETHICS**

Policy Number (if applicable): **n/a**

Approved by: **Senate**

Date of Most Recent Approval: **March 13, 1991**

Revision Date(s): **May 28, 1987**

September 1, 1986

April 30, 1984

Position Responsible for Developing Senate Secretariat
and Maintaining the Policy:

Contact Department: **Senate Secretariat**

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PREAMBLE

The primary pursuits of the university are to disseminate and to further knowledge at the highest intellectual levels, to inculcate the habits of critical thinking and judging, and to contribute to the cultural, moral, spiritual and social well-being of mankind. These noble pursuits impose special ethical responsibilities on its community of scholars.

- A. Scholars practice intellectual honesty in the processes of acquiring and extending knowledge. They do this by improving scholarly competence, and by exercising and practicing critical thinking and self-discipline.
- B. Scholars heed and keep an open mind to the opinion of others. They show respect for, and courtesy to others in free discussions on academic topics. They recognize the right to free inquiry and opinion.
- C. Scholars acknowledge fully the work of others. They provide references to the work of others in papers, essays and the like; they declare the contributions of co-workers; they refrain from taking credit which is not earned.
- D. Scholars hold in contempt dishonest practices such as falsification of the results of experiment, impersonation, cheating at assignments, tests, examinations, and the like.
- E. Scholars strive to ensure that others are not put at a disadvantage in their own pursuit of knowledge. They refrain from withholding material that should rightly be available to all; they do not purloin ideas, experimental results, test papers, and the like in order to "get ahead"; they do not resort to the exploitation of others to this end.

In summary, these responsibilities are integrity in relation to oneself, to one's subject and to society.

The University treasures its fabric of ethical principles and it expects its scholars to preserve this fabric. The University states unequivocally that it demands scholarly integrity from all members and that it will impose sanctions on those who directly or indirectly contribute to the weakening of this integrity.

I. BREACHES OF ACADEMIC ETHICS

1. The Senate Statement on Academic Ethics (above) explains the expectations the institution has of its scholars. Some Departments and instructors have also developed more specific rules and regulations designed to maintain scholarly integrity. It is the responsibility of each instructor to make students aware of these expectations.
2. It is the responsibility of each student to adhere to the Senate Statement on Academic Ethics (and to any additional rules and regulations developed by Departments and instructors), not only in coursework, tests and examinations, but also in other scholarly activities such as laboratory research, use of computing and library resources, and preparation of dissertations. (See also Responsibilities of Students, clauses 7 to 9 below.)
3. Breaching of academic ethics is ultimately destructive of the values of the University; it is, furthermore, unfair and discouraging to those students who pursue their studies with integrity.
4. Breaches of academic ethics fall into two general categories:
 - a. a disregard for the norms of scholarly integrity, without necessarily intending to deceive (see clause 5 below); and
 - b. academic dishonesty, which is an intentional disregard for the norms of scholarly integrity (see clause 6 below).
5. With regard to 4a. above:
 - a. disregard for the general institutional norms of scholarly integrity or for the more specific rules and regulations developed by Departments or instructors may take any number of forms such as: neglecting to abide by the specified limits of co-operation among students; irresponsibility resulting in one's academic work being available for unauthorized use; and carelessness in acknowledging the work of others in papers, essays and the like.
 - b. Breaches of academic ethics that fall into this category should be drawn to the students' attention by instructors. If work submitted for evaluation is involved, the evaluation should take into account the students' carelessness or disregard of academic ethics. The result may be a reduced mark or a zero for the piece of work. All such reductions must be clearly identified when the student is informed of the results of the evaluation. The evaluation may be appealed in the same way as any other academic evaluation.
6. With regard to 4b. above:

- a. Academic dishonesty is not qualitatively different from other types of dishonesty. It consists of misrepresentation by deception or by other fraudulent means. In the academic setting this may take any number of forms such as: copying or the use of unauthorized aids in tests, examinations and laboratory reports; plagiarism; the submission of work that is not one's own or for which previous credit has been obtained, unless the previously submitted work has been presented as such to the Instructor of that course; aiding and abetting another student's dishonesty; and giving false information for the purpose of gaining admission, or credits.
- b. All allegations of academic dishonesty are dealt with through procedures set out in the Senate Resolutions on Academic Dishonesty. The Senate Resolutions on Academic Dishonesty, which are directed toward undergraduate and graduate students, define academic dishonesty and specify the procedures to be followed in the event that a student is charged with academic dishonesty. Penalties include expulsion from the University. A copy of these resolutions may be obtained from the Senate Secretariat, Gilmour Hall, Room 104.

c.

II. RESPONSIBILITIES OF STUDENTS

7. **Assignments and Essays:** The submission of material which has been, entirely or in part, copied from or written by another person without proper acknowledgement, may constitute academic dishonesty. (For further information about plagiarism, consult Appendix A below.) The degree of permissible cooperation among students is determined by the instructor who is responsible for specifying the way in which the work is to be done. It should also be emphasized that the submission of an essay which has been submitted at an earlier date for a different course is an act of academic dishonesty unless it has been specifically authorized by the instructor in advance. The submission of the same essay in each of two courses which are being taken concurrently is acceptable only if prior approval has been given by both instructors.
8. **Tests and Examinations:** In all tests and examinations, including take-home examinations, students are expected to work strictly on their own, using only aids authorized for use in the examination or test area by invigilators. Use of other aids or assistance to other students during tests or examinations will be dealt with under the procedures outlined in the Senate Resolutions and may involve expulsion from the University.
9. **Laboratory and Project Assignments:** In some Faculties laboratory and project assignments are part of the learning process. In such activities it will be necessary to work in groups. It will therefore, be the students' responsibility to ensure that they make an effective contribution to the activity. The laboratory or project instructor will be able to clarify the amount of collaboration acceptable.

The above guidelines are meant to assist scholars in upholding their ethical responsibilities in the University community. If questions arise, appropriate personnel (e.g. instructors, departmental chairs, Associate Deans (Studies), or officers of the Senate) are to be consulted about any points in these guidelines and the Senate Resolutions.

APPENDIX A

I. Plagiarism

When a university student submits an essay as part of the requirements of an academic course, it is assumed that this essay represents the student's own work. Plagiarism is an inexcusable offence in the academic world, but some students may be uncertain about what constitutes plagiarism.

Complete originality can hardly be expected in an undergraduate essay. It is not easy, for example, to present a fresh, coherent theory about the motivation of Shakespeare's Hamlet, to discover new information concerning the campaigns of Napoleon, or to offer a hitherto unconsidered interpretation of a Biblical text. This does not mean, however, that the student cannot submit an essay on any of these subjects that legitimately reflects his or her own thought and work. Thus, the student can weigh conflicting theories about Hamlet and point out their strong and their weak points; the student can emphasize what she or he considers the most significant aspects of Napoleon's campaigns, and give intelligent reasons for this selection; the student can sum up the varying interpretations of a biblical text and reach a judicious conclusion. What a student must not do is to find a book or article or other source of material containing some relevant passages on the topic, copy them out and offer them as if they were that student's own work.

The rules governing quotation and reference are very simple. If the student discovers a passage which seems particularly apt for the chosen topic, it is perfectly proper to reproduce it in an essay provided it is copied accurately word for word, is enclosed in quotation marks, and is documented by a footnote that gives precise information about the author, the title of the book, the place of publication, the date, and the page reference. The book will also be entered in the bibliography at the end of the essay. (For examples of the proper forms of footnote and bibliographical reference, see the Department of English Style Sheet, available in the Bookstore.)

The student may decide, however, that although an article or chapter is extremely relevant to the programme of study, and has been a strong influence in the preparation of the essay, there is no particular passage that offers itself as quotable material. In this case the argument or opinion that it presents may be paraphrased (or, more frequently summarized). As the actual words of the original are not reproduced, no quotation marks will be used, but a footnote explaining the source of the material is as essential as in the case of a direct quotation. Furthermore, it is wise in such cases to introduce into the sentence a phrase like, "As Professor A_ has noted ..." in order to make the point unambiguous.

To offer unoriginal work without the above-mentioned references and acknowledgements is to plagiarize. The following examples should make the distinction clear.

Example A: (direct quotation)

Thomas Hardy was vitally interested in the social conditions and trends of the late nineteenth century. As Douglas Brown has written, "the tragedy of the exodus of the agricultural workers from the villages and the countryside, and what that tragedy represents, forms one of Hardy's continual themes"¹. *Tess of the d'Urbervilles* is an obvious example of Hardy's social concern.
1. Douglas Brown, *Thomas Hardy* (London, 1954), p. 37.

Example B: (indirect reference)

Thomas Hardy was aware of the changes taking place in the England of his day, and his writings reflect his interest in these changes. As a countryman he was particularly concerned about the migration of the agricultural workers from the countryside into the industrial towns, and Douglas Brown has argued that this is one of the most significant themes in Hardy's works¹. *Tess of the d'Urbervilles* is obviously relevant in this connection.
1. See Douglas Brown, *Thomas Hardy* (London, 1954), pp. 36-39.

Example C: (plagiarism, direct quotation without acknowledgement)

Thomas Hardy was concerned about the social conditions of his time. The tragedy of the exodus of the agricultural workers from the villages and the countryside, and what that tragedy represents, forms one of Hardy's continual themes. *Tess* is a good example.

Example A involves direct quotation, and is perfectly acceptable. Example B does not quote the exact words, but refers specifically to Mr. Brown's writing. This is acknowledged properly in the footnote and is equally acceptable. Example C takes over Mr. Brown's actual words without putting them in quotation marks and without giving a footnote reference. This is plagiarism, whether Douglas Brown's book is mentioned in the bibliography or not. It would equally be plagiarism if Mr. Brown's work were paraphrased but not footnoted. *In either case, it is plagiarism because it gives the impression that the phrasing and/or the idea is original.*

2. Improper Borrowing in Non-Verbal Disciplines

MUSIC

In Music, the imitation of style is an integral part of the student's work. In applied music, for example, a student may be required to model an interpretation of a piece around that of a particular performer, and in music theory courses it is a routine procedure to imitate the stylistic characteristics of particular periods and even of particular composers. Nevertheless, it is possible to draw certain lines. For example, it would obviously be improper for a student to submit as personally representative, a tape recording of someone else performing. It would also be wrong, just as it would be in the case of an essay, for a theory or composition student to hand in as personal work, material composed by another. Clearly, the imitation of style ceases to be legitimate when the student begins to draw upon actual notes or sounds attributable to another person. This would not preclude a professor from, say, giving the student material to work with from a pre-existent composition, for example, a figured bass, or a fugue subject) providing the sum and substance of the work from that point on were the student's own.

STUDIO ART

Students of studio art (painting, sculpture and print-making) may be guilty of plagiarism if they submit for evaluation as course assignments works executed in their entirety by someone else, or in part by someone other than the instructor. Similarly, copying works from sources not authorized by the instructor may be regarded as improper borrowing, which is analogous to plagiarism.

COMPUTER FILES AND PROGRAMS

The improper use of the computer files and programs of others may constitute academic dishonesty. The degree of permissible cooperation among students is determined by the instructor who is responsible for specifying the way in which the work is to be done. Students who allow their computer files or assignments to be copied are as guilty of academic dishonesty as those who copy. Each student is responsible for protecting his or her computer file by keeping the password secret and changing it frequently. McMaster University wishes to ensure the full and fair implementation of the principles of the Ontario Human Rights Code which recognize that every person is equal in dignity and worth and should be provided with equal rights and opportunities without discrimination.



Code of Behaviour on Academic Matters

June 1, 1995

Effective August 18, 1995

To request an official copy of this policy, contact:

The Office of the Governing Council
Room 106, Simcoe Hall
27 King's College Circle
University of Toronto
Toronto, Ontario
M5S 1A1

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Provost's Guidelines on Sanctions, Offences and Suggested Penalties For Students

Sanctions

Relation of Offences and Sanctions

A. Preamble

The concern of the Code of Behaviour on Academic Matters is with the responsibilities of all parties to the integrity of the teaching and learning relationship. Honesty and fairness must inform this relationship, whose basis remains one of mutual respect for the aims of education and for those ethical principles which must characterize the pursuit and transmission of knowledge in the University.

What distinguishes the University from other centres of research is the central place which the relationship between teaching and learning holds. It is by virtue of this relationship that the University fulfills an essential part of its traditional mandate from society, and, indeed, from history: to be an expression of, and by so doing to encourage, a habit of mind which is discriminating at the same time as it remains curious, which is at once equitable and audacious, valuing openness, honesty and courtesy before any private interests.

This mandate is more than a mere pious hope. It represents a condition necessary for free enquiry, which is the University's life blood. Its fulfillment depends upon the well being of that relationship whose parties define one another's roles as teacher and student, based upon differences in expertise, knowledge and experience, though bonded by respect, by a common passion for truth and by mutual responsibility to those principles and ideals that continue to characterize the University.

This Code is concerned, then, with the responsibilities of faculty members and students, not as they belong to administrative or professional or social groups, but as they co-operate in all phases of the teaching and learning relationship.

Such co-operation is threatened when teacher or student forsakes respect for the other--and for others involved in learning--in favour of self-interest, when truth becomes a hostage of expediency. On behalf of teacher and student and in fulfillment of its own principles and ideals, the University has a responsibility to ensure that academic achievement is not obscured or undermined by cheating or misrepresentation, that the evaluative process meets the highest standards of fairness and honesty, and that malevolent or even mischievous disruption is not allowed to threaten the educational process.

These are areas in which teacher and student necessarily share a common interest as well as common responsibilities.

Note: Appendix "A" contains interpretations of the language of this Code.

Appendix "B" contains a statement concerning the rights and freedoms enjoyed by members of the University.

B. Offences

The University and its members have a responsibility to ensure that a climate which might encourage, or conditions which might enable, cheating, misrepresentation or unfairness not be tolerated. To this end, all must acknowledge that seeking credit or other advantages by fraud or misrepresentation, or seeking to disadvantage others by disruptive behaviour is unacceptable, as is any dishonesty or unfairness in dealing with the work or record of a student.

Wherever in this Code an offence is described as depending on "knowing", the offence shall likewise be deemed to have been committed if the person ought reasonably to have known.

B.i.

1.

It shall be an offence for a student knowingly:

(a) to forge or in any other way alter or falsify any document or evidence required by the University, or to utter, circulate or make use of any such forged, altered or falsified document, whether the record be in print or electronic form;

(b) to use or possess an unauthorized aid or aids or obtain unauthorized assistance in any academic examination or term test or in connection with any other form of academic work;

(c) to personate another person, or to have another person personate, at any academic examination or term test or in connection with any other form of academic work;

(d) to represent as one's own any idea or expression of an idea or work of another in any academic examination or term test or in connection with any other form of academic work, i.e. to commit plagiarism (for a more detailed account of plagiarism, see Appendix "A") ;

(e) to submit, without the knowledge and approval of the instructor to whom it is submitted, any academic work for which credit has previously been obtained or is being sought in another course or program of study in the University or elsewhere;

(f) to submit any academic work containing a purported statement of fact or reference to a source which has been concocted.

2.

It shall be an offence for a faculty member knowingly:

(a) to approve any of the previously described offences;

(b) to evaluate an application for admission or transfer to a course or program of study by reference to any criterion that is not academically justified;

(c) to evaluate academic work by a student by reference to any criterion that does not relate to its merit, to the time within which it is to be submitted or to the manner in which it is to be performed.

3.

It shall be an offence for a faculty member and student alike knowingly:

(a) to forge or in any other way alter or falsify any academic record, or to utter, circulate or make use of any such forged, altered or falsified record, whether the record be in print or electronic form;

(b) to engage in any form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not herein otherwise described, in order to obtain academic credit or other academic advantage of any kind.

4.

A graduate of the University may be charged with any of the above offences committed knowingly while he or she was an active student, when, in the opinion of the Provost, the offence, if detected, would have resulted in a sanction sufficiently severe that the degree would not have been granted at the time that it was.

B. ii. Parties to Offences

1.

(a) Every member is a party to an offence under this Code who knowingly:

(i) actually commits it;

(ii) does or omits to do anything for the purpose of aiding or assisting another member to commit the offence;

(iii) does or omits to do anything for the purpose of aiding or assisting any other person who, if that person were a member, would have committed the offence;

(iv) abets, counsels, procures or conspires with another member to commit or be a party to an offence; or

(v) abets, counsels, procures or conspires with any other person who, if that person were a member, would have committed or have been a party to the offence.

(b) Every party to an offence under this Code is liable upon admission of the commission thereof, or upon conviction, as the case may be, to the sanctions applicable to that offence.

2.

Every member who, having an intent to commit an offence under this Code, does or omits to do anything for the purpose of carrying out that intention (other than mere preparation to commit the offence) is guilty of an attempt to commit the offence and liable upon conviction to the same sanctions as if he or she had committed the offence.

3.

When a group is found guilty of an offence under this Code, every officer, director or agent of the group, being a member of the University, who directed, authorized or participated in the commission of the offence is a party to and guilty of the offence and is liable upon conviction to the sanctions

provided for the offence.

C. Procedures in Cases Involving Students

At both the divisional level and the level of the University Tribunal, the procedures for handling charges of academic offences involving students reflect the gravity with which the University views such offences. At the same time, these procedures and those which ensure students the right of appeal represent the University's commitment to fairness and the cause of justice.

C.i. (a) Divisional Procedures

Note: Where a student commits an offence, the faculty in which the student is registered has responsibility over the student in the matter. In the case of Scarborough and Erindale Colleges, the college is deemed to be the faculty.

not proceedings of Tribunal

1.

No hearing within the meaning of section 2 of the *Statutory Powers Procedure Act* is required for the purposes of or in connection with any of the discussions, meetings and determinations referred to in section C.i.(a), and such discussions, meetings and determinations are not proceedings of the Tribunal.

instructor's duties

2.

Where an instructor has reasonable grounds to believe that an academic offence has been committed by a student, the instructor shall so inform the student immediately after learning of the act or conduct complained of, giving reasons, and invite the student to discuss the matter. Nothing the student says in such a discussion may be used or receivable in evidence against the student.

3.

If after such discussion, the instructor is satisfied that no academic offence has been committed, he or she shall so inform the student and no further action shall be taken in the matter by the instructor, unless fresh evidence comes to the attention of the instructor, in which case he or she may again proceed in accordance with subsection 2.

instructor's report to the department chair

4.

If after such discussion, the instructor believes that an academic offence has been committed by the student, or if the student fails or neglects to respond to the invitation for discussion, the instructor shall make a report of the matter to the department chair or through the department chair to the dean. (See also section C.i.(b) 1.)

dean's or chair's meeting with student

5.

When the dean or the department chair, as the case may be, has been so informed, he or she shall notify the student in writing accordingly, provide him or her with a copy of the Code and subsequently afford the student an opportunity for discussion of the matter. In the case of the dean being informed, the chair of the department and the instructor shall be invited by the dean to be present at the meeting with the student. The dean shall conduct the interview.

dean's warning

admissions used at a hearing

6.

Before proceeding with the meeting, the dean shall inform the student that he or she is entitled to seek advice, or to be accompanied by counsel at the meeting, before making, and is not obliged to make, any statement or admission, but shall warn that if he or she makes any statement or admission in the meeting, it may be used or receivable in evidence against the student in the hearing of any charge with respect to the alleged offence in question. The dean shall also advise the student, without further comment or discussion, of the sanctions that may be imposed under section C.i.(b), and that the dean is not obliged to impose a sanction but may instead request that the Provost lay a charge against the student. Where such advice and warning have been given, the statements and admissions, if any, made in such a meeting may be used or received in evidence against the student in any such hearing.

no further action

7.

If the dean, on the advice of the department chair and the instructor, or if the department chair, on the advice of the instructor, subsequently decides that no academic offence has been committed and that no further action in the matter is required, the student shall be so informed in writing and the student's work shall be accepted for normal evaluation or, if the student was prevented from withdrawing from the course by the withdrawal date, he or she shall be allowed to do so. Thereafter, the matter shall not be introduced into evidence at a Tribunal hearing for another offence.

imposition of sanction

8.

If the student admits the alleged offence, the dean or the department chair may either impose the sanction(s) that he or she considers appropriate under section C.i.(b) or refer the matter to the dean or Provost, as the case may be, and in either event shall inform the student in writing accordingly. No further action in the matter shall be taken by the instructor, the department chair or the dean if the dean imposes a sanction.

student may refer matter

9.

If the student is dissatisfied with a sanction imposed by the department chair or the dean, as the case may be, the student may refer the matter to the dean or Provost as the case may be, for consideration.

referral of matter to Tribunal

10.

If the student does not admit the alleged offence, the dean may, after consultation with the instructor and the department chair, request that the Provost lay a charge against the student. If the Provost agrees to lay a charge, the case shall then proceed to the Trial Division of the Tribunal.

decanal procedures at trial

11.

Normally, decanal procedures will not be examined in a hearing before the Tribunal. A failure to carry out the procedures referred to in this section, or any defect or irregularity in such procedures, shall not invalidate any subsequent proceedings of or before the Tribunal, unless the chair of the hearing considers that such failure, defect or irregularity resulted in a substantial wrong, detriment or prejudice to the accused. The chair will determine at the opening of the hearing whether there is to be any objection to an alleged defect, failure or irregularity.

student's standing pending disposition

12.

No degree, diploma or certificate of the University shall be conferred or awarded, nor shall a student be allowed to withdraw from a course from the time of the alleged offence until the final disposition of the accusation. However, a student shall be permitted to use University facilities while a decision is pending, unless there are valid reasons for the dean to bar him or her from a facility. When or at any time after an accusation has been reported to the dean, he or she may cause a notation to be recorded on the student's academic record and transcript, until the final disposition of the accusation, to indicate

that the standing in a course and/or the student's academic status is under review. A student upon whom a sanction has been imposed by the dean or the department chair under section C.i.(b) or who has been convicted by the Tribunal shall not be allowed to withdraw from a course so as to avoid the sanction imposed.

recording cases

referral to records

reporting cases

advice on cases

13.

A record of cases disposed of under section C.i.(a) and of the sanctions imposed shall be kept in the academic unit concerned and may be referred to by the dean in connection with a decision to prosecute, or by the prosecution in making representations as to the sanction or sanctions to be imposed by the Tribunal, for any subsequent offence committed by the student. Information on such cases shall be available to other academic units upon request and such cases shall be reported by the dean to the Secretary of the Tribunal for use in the Provost's annual report to the Academic Board. The dean may contact the Secretary of the Tribunal for advice or for information on cases disposed of under section C.ii hereof.

analogy to faculty member

14.

Where a proctor or invigilator, who is not a faculty member, has reason to believe that an academic offence has been committed by a student at an examination or test, the proctor or invigilator shall so inform the student's dean or department chair, as the case may be, who shall proceed as if he or she were an instructor, by analogy to the other provisions of this section.

analogy to procedures

15.

In the case of alleged offences not covered by the procedures above and not involving the submission of academic work, such as those concerning forgery or uttering, and in cases involving cancellation, recall or suspension of a degree, diploma or certificate, the procedure shall be regulated by analogy to the other procedures set out in this section.

C.i.(b) Divisional Sanctions

department chair's duties

1.

In an assignment worth ten percent or less of the final grade, the department chair may deal with the matter if,

(i) the student admits guilt; and

(ii) the assignment of a penalty is limited to at most a mark of zero for the piece of work.

If the student does not admit guilt, or if the department chair chooses, the matter shall be brought before the dean.

sanctions listed

2.

One or more of the following sanctions may be imposed by the dean where a student admits to the commission of an alleged offence:

(a) an oral and/or written reprimand;

(b) an oral and/or written reprimand and, with the permission of the instructor, the resubmission of the piece of academic work in respect of which the offence was committed, for evaluation. Such a sanction shall be imposed only for minor offences and where the student has committed no previous offence;

(c) assignment of a grade of zero or a failure for the piece of academic work in respect of which the offence was committed;

(d) assignment of a penalty in the form of a reduction of the final grade in the course in respect of which the offence was committed;

(e) denial of privileges to use any facility of the University, including library and computer facilities;

(f) a monetary fine to cover the costs of replacing damaged property or misused supplies in respect of which the offence was committed;

(g) assignment of a grade of zero or a failure for the course in respect of which the offence was committed;

(h) suspension from attendance in a course or courses, a program, an academic division or unit, or the University for a period of not more than twelve months. Where a student has not completed a course or courses in respect of which an offence has not been committed, withdrawal from the course or courses without academic penalty shall be allowed.

recording on academic transcript

3.

The dean shall have the power to record any sanction imposed on the student's academic record and transcript for such length of time as he or she considers appropriate. However, the sanctions of suspension or a notation specifying academic misconduct as the reason for a grade of zero for a course shall normally be recorded for a period of five years.

Provost's Guidelines

4.

The Provost shall, from time to time, indicate appropriate sanctions for certain offences. These guidelines shall be sent for information to the Academic Board and attached to the Code as Appendix "C".

C.II.(a) Tribunal Procedures

laying of charge

1.

A prosecution for an alleged academic offence shall be instituted by the laying of a charge by the Provost against the accused. This is done when the student does not admit guilt; when the sanction desired is beyond the power of the dean to impose; when the student has been found guilty of a previous offence; or when the student is being accused simultaneously of two or more different offences involving more than one incident.

consultation

2.

No charge shall be laid except with the agreement of the dean concerned and of the Provost, after consultation between the Provost and the Discipline Counsel.

form of charge

3.

A charge shall be in writing, addressed to the accused, signed by or under the authority of the Provost and filed with the Secretary. It shall contain a statement that the student is charged with having committed an offence specified therein, with sufficient particulars of the circumstances to enable the student to identify the alleged act or conduct giving rise to the charge.

notice of hearing

4.

Upon receipt by the Secretary of a charge which appears to be in proper form, the member of the Tribunal designated to be the chair of the hearing and the Secretary shall immediately determine and give appropriate notice of a date, time and place for the hearing.

withdrawal from course not precluding prosecution

5.

Withdrawal of a student from a course or program of study shall not preclude or affect any prosecution before the Tribunal in respect of an alleged academic offence.

record of hearing

6.

The proceedings at a hearing, including the evidence and the verdict of the panel shall be recorded by the Secretary by means of a tape recording, stenographic reporter or other reliable means.

Statutory Powers Procedure Act

7.

The procedures of the Tribunal shall conform to the requirements of the *Statutory Powers Procedure Act*, Revised Statutes of Ontario, 1990, Chapter S. 22, as amended from time to time.

modification of rules

8.

The Tribunal may, from time to time, by a majority of its members, make, adopt and modify rules governing its procedures which are not inconsistent with the provisions hereof, and all such rules and modifications shall be reported to the Academic Board for information.

onus and standard of proof

9.

The onus of proof shall be on the prosecutor, who must show on clear and convincing evidence that the accused has committed the alleged offence.

not compellable to testify

10.

The accused shall not be compelled to testify at his or her hearing.

Tribunal structure

11.

The divisions of the Tribunal are:

- (a) Trial; and
- (b) Appeal.

membership

12.

The members of the Trial Division of the Tribunal shall consist of a Senior Chair, two Associate Chairs and up to fifteen co-chairs, appointed by the Academic Board.

13.

No presiding member of the Trial Division of the Tribunal shall be a full-time student or a full-time member of the teaching staff or a member of the administrative staff.

14.

The Senior Chair, Associate Chairs and co-chairs shall be legally qualified.

15.

The Senior Chair shall be the chair of the Tribunal and either the Senior Chair, an Associate Chair or a co-chair, as selected by the Secretary, shall preside at trial hearings of the Tribunal.

place of hearing

16.

Trial hearings of the Tribunal involving students registered at Scarborough College shall normally be held on the Scarborough campus of the University and those involving students registered at Erindale College shall normally be held on the Erindale campus of the University.

duties of Tribunal

17.

(a) The Tribunal shall,

(i)hear and dispose of charges brought under the Code;

(ii)report its decisions for information to the Academic Board;

(iii)make recommendations to the Governing Council as contemplated by the Code;

(iv)advise the Academic Board, from time to time, on policy and procedures with respect to the Code; and

(v)determine its practice and procedures, subject to the provisions hereof.

award of costs

(b) Where it is considered to be warranted by the circumstances, the chair of a hearing may in his or her discretion award costs of any proceedings at trial, and may make orders as to the party or parties to and by whom and the amounts and manner in which such costs are to be paid.

panel

18.

Hearings in the Trial Division of the Tribunal shall be by a hearing panel composed of three persons, of whom one shall be a student, one shall be a faculty member and the third shall be the Senior Chair, an Associate Chair or a co-chair of the Tribunal.

membership

19.

The members of each panel (other than the chair) shall be drawn from a pool consisting of at least 15 students who are not also faculty members and at least 15 faculty members who are not also students. The members of such pool shall be appointed by the Secretary, drawn from the various academic divisions and units of the University, and shall serve for a period of two years. The appointments shall be renewable upon invitation by the Senior Chair of the Tribunal.

selection of panel

20.

Panel members for each case shall be selected by the Secretary who shall exercise due discretion in excluding members who may know either the accused or the circumstances of the alleged offence.

Generally, student members will not be drawn from the same program of study as the accused. Faculty members from the department in which an offence is alleged to have occurred will be excluded from the panel.

challenging panel members

21.

Either the accused or the prosecution may challenge prior to the hearing, and the chair of the hearing may disqualify any prospective panel member for cause which in his or her opinion justifies such disqualification.

chair's role

panel's role

22.

At trial hearings of the Tribunal,

(a) the chair of the hearing shall determine all questions of law and has a vote on the verdict and sanction; and

(b) the panel shall determine all questions of fact and render a verdict according to the evidence.

admission of guilt after charge laid

23.

Where, after a charge has been laid by the Provost but before a Tribunal hearing takes place, the accused admits the alleged offence, the Provost may refer the matter either (i) to the dean, who shall impose the sanction(s) that he or she considers appropriate under section C.i.(b); or (ii) to a panel, in which event the panel may convict the accused without the prosecution having to lead evidence of guilt, and the panel shall impose a sanction or sanctions in accordance with section 25 or 26; provided that before any sanction is imposed, the dean or the panel, as the case may be, shall have afforded the accused an opportunity to offer an explanation and to present arguments and submissions as to sanction.

verdict of panel

24.

The verdict of a panel need not be unanimous but at least two affirmative votes shall be required for a conviction. Unless there are at least two affirmative votes for conviction, the accused shall be acquitted.

sanction of panel

25.

The sanction or sanctions to be imposed upon conviction at a hearing shall be determined by a majority of the panel members, and the panel shall give reasons for the sanction or sanctions imposed.

disagreement on sanction(s)

26.

If the panel is unable to reach agreement, by a majority of its members, as to the sanction to be imposed, the chair of the hearing shall impose the sanction or set of sanctions which is the least severe of those that the individual members of the panel would impose.

Discipline Counsel

27.

There shall be a University Discipline Counsel and there may be one or more assistants to the Discipline Counsel, appointed by the Academic Board on the recommendation of the Provost.

28.

The Discipline Counsel and any assistant shall be a barrister and solicitor qualified to practice law in

Ontario and shall not be a full-time student or a full-time member of the teaching staff or a member of the administrative staff.

29.

The Discipline Counsel or an assistant shall conduct all proceedings on behalf of the Provost before the Tribunal and on any appeal from a Tribunal decision.

30.

The other duties of the Discipline Counsel and assistants shall be as determined by the Provost.

Secretary

31.

The Secretary of the Tribunal and his or her assistants shall be appointed by the Academic Board on the recommendation of the Provost.

32.

The duties of the Secretary and assistants shall be determined by the Senior Chair and members of the Tribunal and reported to the Academic Board for information.

33.

Where anything is required by the Code to be done by or with the Secretary, it may be done by or with the Secretary or any of his or her assistants.

C.II.(b) Tribunal Sanctions

sanctions listed

1.

One or more of this following sanctions may be imposed by the Tribunal upon the conviction of any student:

- (a) an oral and/or written reprimand;
- (b) an oral and/or written reprimand and, with the permission of the instructor, the resubmission of the piece of academic work in respect of which the offence was committed, for evaluation. Such a sanction shall be imposed only for minor offences and where the student has committed no previous offence;
- (c) assignment of a grade of zero or a failure for the piece of academic work in respect of which the offence was committed;
- (d) assignment of a penalty in the form of a reduction of the final grade in the course in respect of which the offence was committed;
- (e) denial of privileges to use any facility of the University, including library and computer facilities;
- (f) a monetary fine to cover the costs of replacing damaged property or misused supplies in respect of which the offence was committed;
- (g) assignment of a grade of zero or a failure for any completed or uncompleted course or courses in respect of which any offence was committed;
- (h) suspension from attendance in a course or courses, a program, an academic unit or

division, or the University for such a period of time up to five years as may be determined by the Tribunal. Where a student has not completed a course or courses in respect of which an offence has not been committed, withdrawal from the course or courses without academic penalty shall be allowed;

expulsion

(i) recommendation of expulsion from the University. The Tribunal has power only to recommend that such a penalty be imposed. In any such case, the recommendation shall be made by the Tribunal to the President for a recommendation by him or her to the Governing Council. Expulsion shall mean that the student shall be denied any further registration at the University in any program, and his or her academic record and transcript shall record this sanction permanently. Where a student has not completed a course or courses in respect of which an offence has not been committed, withdrawal from the course or courses without academic penalty shall be allowed. If a recommendation for expulsion is not adopted, the Governing Council shall have the power to impose such lesser penalty as it sees fit.

cancellation of degree

- (j)
- (i) recommendation to the Governing Council for cancellation, recall or suspension of one or more degrees, diplomas or certificates obtained by any graduate; or
 - (ii) cancellation of academic standing or academic credits obtained by any former student

who, while enrolled, committed any offence which if detected before the granting of the degree, diploma, certificate, standing or credits would, in the judgment of the Tribunal, have resulted in a conviction and the application of a sanction sufficiently severe that the degree, diploma, certificate, standing, credits or marks would not have been granted.

recording sanction

2.

The hearing panel shall have the power to order that any sanction imposed by the Tribunal be recorded on the students academic record and transcript for such length of time as the panel considers appropriate.

publishing decision and sanction

3.

The Tribunal may, if it considers it appropriate, report any case to the Provost who may publish a notice of the decision of the Tribunal and the sanction or sanctions imposed in the University newspapers, with the name of the student withheld.

D. Procedures in Cases Involving Faculty Members

Divisional and Tribunal procedures for faculty members charged with academic offences, and the sanctions and appeal procedures for those convicted, resemble - with appropriate modifications - procedures and sanctions in force for students, with this signal exception: grounds and procedures for terminating employment of tenured faculty are those set forth in the *Policy and Procedures on Academic Appointments*, as amended from time to time.

D.I.(a) Divisional Procedures

not proceedings of Tribunal

1.

No hearing within the meaning of section 2 of the *Statutory Powers Procedure Act* is required for the purposes of or in connection with any of the discussions, meetings and determinations referred to in section D.i.(a), and such discussions, meetings and determinations are not proceedings of the Tribunal.

department chair's duties

2.

Where a student or a faculty member or a member of the administrative staff has reason to believe that an academic offence has been committed by a faculty member, he or she shall so inform the chair of the department or academic unit in which the faculty member holds a primary appointment. The department chair shall inform the faculty member immediately after learning of the act or conduct complained of and invite the faculty member to discuss the matter. The chair shall inform the faculty member that he or she is entitled to seek advice, or to be accompanied by counsel at the meeting, before making, and is not obliged to make, any statement or admission, but shall warn that if he or she makes any statement or admission in the meeting, it may be used or receivable in evidence against the faculty member in the hearing of any charge with respect to the alleged offence in question.

no further action

3.

If after discussion, the department chair is satisfied that no academic offence has been committed, he or she shall inform the faculty member in writing and no further action shall be taken in the matter, unless fresh evidence comes to the attention of the department chair, in which case he or she may again proceed in accordance with subsection 2.

department chair's report to dean

4.

If after such discussion the department chair believes that an academic offence has been committed by the faculty member, or if the faculty member fails or neglects to respond to the invitation for discussion, the department chair shall make a report of the matter in writing to the dean.

dean's meeting with faculty member

5.

When the dean has been so informed, he or she shall immediately notify the faculty member in writing accordingly, provide him or her with a copy of the Code and subsequently afford the faculty member an opportunity for discussion of the matter. The department chair and the complainant shall be invited by the dean to be present at the meeting with the faculty member. The dean shall conduct the interview.

dean's warning

admissions used at a hearing

6.

Before proceeding with the meeting, the dean shall inform the faculty member that he or she is entitled to seek advice, or to be accompanied by counsel at the meeting, before making, and is not obliged to make, any statement or admission, but shall warn that if he or she makes any statement or admission in the meeting, it may be used or receivable in evidence against the faculty member in the hearing of any charge with respect to the alleged offence in question. The dean shall also advise the faculty member, without further comment or discussion, of the sanctions that may be imposed under section D.i.(b), and that the dean is not obliged to impose a sanction but may instead request either that the Provost lay a charge against the faculty member or that the President initiate dismissal proceedings. Where such advice and warning have been given, the statements and admissions, if any, made at such a meeting

may be used or received in evidence against the faculty member in any such hearing.

no further action

7.

If after the discussions at such a meeting, the complainant is satisfied that no academic offence has been committed and the department chair and the dean agree, no further action in the matter shall be taken by the complainant or the dean, and the dean shall so inform the faculty member in writing. Thereafter, the matter shall not be introduced into evidence at a Tribunal or any hearing for another offence.

imposition of sanction

8.

If the faculty member admits the alleged offence, the dean may impose sanctions that are within the power and authority of the dean, and no further action in the matter shall be taken by the dean or the complainant if the dean proceeds under this subsection.

faculty member may refer matter

complainant may refer matter

9.

If the faculty member is dissatisfied with a sanction imposed by the department chair or the dean, the faculty member may refer the matter to the dean or the Provost for consideration. If the complainant is dissatisfied with a decision of the department chair or the dean not to refer the complaint to the next level with a recommendation for further action, the complainant may refer the matter to the dean or Provost for consideration.

referral of matter to President or Tribunal

10.

Where the dean believes that an academic offence has been committed by a faculty member with respect to which further proceedings should be taken (whether or not such offence has been admitted by the faculty member), the dean shall either,

(a) in the case of a faculty member having tenure, request the President to appoint a committee under the *Policy and Procedures on Academic Appointments*, as amended from time to time, to consider dismissal of the faculty member, or

(b) in the case of any faculty member, proceed to request that the Provost lay a charge against the faculty member under section D.ii below.

Tribunal proceedings suspended

11.

Where a dean requests the President to appoint a committee under the *Policy and Procedures on Academic Appointments*, as amended from time to time, to consider dismissal of a tenured faculty member, any proceedings before the Tribunal shall be suspended until either the President signifies that he or she will not accept and act upon the request, or the proceedings for dismissal have been finally determined, as the case may be.

offence by department chair or dean

12.

Where a student or a faculty member or an administrative staff member has reason to believe that an academic offence has been committed by a department chair, he or she shall so inform the dean of the academic unit in which the chair holds an appointment, and where he or she has reason to believe that an academic offence has been committed by a dean, he or she shall so inform the Provost, and the procedure shall be regulated by analogy to other provisions of this section.

D.I.(b) Divisional Sanctions

sanctions listed

1. One or more of the following sanctions may be imposed by the dean where a faculty member admits the commission of an alleged offence:

- (a) an oral and/or written reprimand;
- (b) assignment by the dean of administrative sanctions.

Provost's Guidelines

2. The Provost shall, from time to time, indicate appropriate sanctions for certain offences. These guidelines shall be sent for information to the Academic Board and appended to the Code.

D.II.(a) Tribunal Procedures

laying of charge

1. A prosecution for an alleged academic offence shall be instituted by the laying of a charge by the Provost against the accused.

consultation

2. No charge shall be laid except with the agreement of the dean and the Provost, after consultation between the Provost and the Discipline Counsel.

form of charge

3. A charge shall be in writing, addressed to the accused, signed by or under the authority of the Provost and filed with the Secretary. It shall contain a statement that the faculty member is charged with having committed an offence specified therein, with sufficient particulars of the circumstances to enable the faculty member to identify the alleged act or conduct giving rise to the charge.

notice of hearing

4. Upon receipt by the Secretary of a charge which appears to be in proper form, the member of the Tribunal designated to be the chair of the hearing and the Secretary shall immediately determine and give appropriate notice of a date, time and place for the hearing.

Tribunal duties and procedures

5. The duties, membership and procedures of the Tribunal shall be as in section C.ii.(a) 6 to 33.

D.II.(b) Tribunal Sanctions

sanctions listed

1. One or more of the following sanctions may be imposed by the Tribunal upon the conviction of any faculty member:

- (a) an oral and/or written reprimand;
- (b) recommendation to the President for the application of administrative sanctions;

dismissal

(c) recommendation to the President for dismissal, or, in the case of a tenured faculty member, for the appointment of a committee under the *Policy and Procedures on Academic Appointments*, as amended from time to time, to consider dismissal. The Tribunal has power

only to recommend that such a penalty be imposed. If a recommendation for dismissal is not adopted, the Governing Council or the President, as the case may be, shall have power to impose such lesser penalty as is deemed fit.

E. Appeals

Discipline Appeals Board-panel membership

1.

Appeals from decisions at trial shall be heard by a panel drawn from the Discipline Appeals Board consisting of the Senior Chair of the Tribunal, or an Associate Chair designated by him or her, and three members of the Discipline Appeals Board drawn preferably from the Academic Board nominees to the Board. The Academic Board's nominees shall be chosen from among its current or former members. At least one member of each panel shall be a faculty member who is not also a student and at least one shall be a student who is not also a faculty member.

2.

The Senior Chair or an Associate Chair shall preside at all appeal hearings.

3.

Where the Discipline Appeals Board hears an appeal,

(a) no Tribunal member who participated in the decision appealed from shall participate in the appeal; and

(b) the decision of the majority of the members hearing the appeal shall govern, and the presiding Chair shall be a voting member.

cases for appeal

4.

An appeal to the Discipline Appeals Board may be taken in the following cases, only:

(a) by the accused, from a conviction at trial, upon a question which is not one of fact alone;

(b) by the Provost, from an acquittal at trial, upon a question which is not one of fact alone;

(c) by the accused or the Provost, from a sanction imposed at trial.

filing of appeal

5.

An appeal shall be made by filing with the Secretary, within 21 days after the giving of notice of the decision of the Tribunal, a notice of appeal stating briefly the relief sought and the grounds upon which the appeal is taken; provided that in exceptional circumstances, the Senior Chair shall have the power to enlarge the time for appeal upon application made either before or after the expiry of that time.

appellant bears cost of transcription

6.

If the appellant wishes to refer in the argument of the appeal to the transcript of oral proceedings recorded at the trial, five copies of such transcript certified by the reporter or recorder thereof shall be ordered by and normally at the expense of the student. A transcript of the entire proceedings shall be produced unless the parties can agree to dispense with certain portions.

powers of Board

7.

The Discipline Appeals Board shall have power,

- (a) to dismiss an appeal summarily and without formal hearing if it determines that the appeal is frivolous, vexatious or without foundation;
- (b) in circumstances which the Tribunal members hearing the appeal consider to be exceptional, to order a new hearing; and
- (c) in any other case, to affirm, reverse, quash, vary or modify the verdict, penalty or sanction appealed from and substitute any verdict penalty or sanction that could have been given or imposed at trial.

appeal not trial de novo

8.

An appeal shall not be a trial de novo, but in circumstances which it considers to be exceptional, the Discipline Appeals Board may allow the introduction of further evidence on appeal which was not available or was not adduced at trial, in such manner and upon such terms as the members of the Board hearing the appeal may direct.

award of costs

9.

Where it is considered to be warranted by the circumstances, the Board may in its discretion, award costs of any proceedings on appeal, and may make orders as to the party or parties to and by whom and the amounts and manner in which such costs are to be paid.

stay unless otherwise ordered

10.

An appeal operates as a stay of the decision appealed from unless the Senior Chair of the Tribunal, on behalf of the Discipline Appeals Board, otherwise orders upon application by the accused or the Provost.

Appendix "A"

Code of Behaviour on Academic Matters

Interpretation

1. Unless otherwise provided herein, words defined in section 1 of the *University of Toronto Act, 1971*, as amended from time to time, have the same meaning in this Code as in that Act.

2. In this Code, unless the context otherwise requires:

- (a) "Academic Board" means the Academic Board of the Governing Council;
- (b) "academic offence" or "offence" means an offence under the Code;
- (c) "academic record" includes any record or document included within the definition of the "official student academic record" contained in the University's Policy on Access to Student Academic Records, as amended from time to time, and any other record or document of the University or of another educational institution, and any library or any other identity or identification card or certificate, used, submitted or to be submitted for the purposes of the

University;

(d) "academic work" includes any academic paper, term test, proficiency test, essay, thesis, research report, project, assignment or examination, whether oral, in writing, in other media or otherwise and/or registration and participation in any course, program, seminar, workshop, conference or symposium offered by the University;

(e) "Code" means this Code of Behaviour on Academic Matters, as amended from time to time;

(f) "computer" means any computer facility operated wholly or partly within or from the University;

(g) "datasets" includes all records, data and datasets stored either on-line to a computer or off-line in machine-readable form or any other transportable medium;

(h) "dean" means the Director of the School of Physical and Health Education, the Director of the School of Continuing Studies, or the Principal of Erindale College, or the Principal of Scarborough College, or the dean of the faculty or school where the member is registered or has primary appointment, as the case may be, or, in the case of an offence concerning a library, library material or library resources, the Chief librarian, or the designate of any such person;

(i) "department chair" means the chair of a department of an academic unit, or the principal of a constituent college or the Principal of University College, or the director of a centre or institute, or, where a unit is not subdivided into departments, the dean of the unit or, in the case of Scarborough College, a divisional chair or, in the case of Erindale College, a discipline representative or, in the case of an offence concerning a library, library material or library resources, the head of the library concerned, or the designate of any such person;

(j) "Discipline Counsel" means the University Discipline Counsel or an assistant appointed by the Academic Board;

(k) "faculty member" means a member of the teaching staff;

(l) "group" means a club, society, association, committee or other body of members having an affinity based upon common or collective interest or purpose, whether or not incorporated and whether or not officially recognized by the University;

(m) "instructor" means any person who teaches or instructs or has a duty to teach or instruct a student or students or who evaluates or who has a duty to evaluate the work of a student or students, and includes a faculty member, a teaching assistant and a librarian;

(n) "legally qualified" means in good standing as a member (other than an honorary member or student member) of The Law Society of Upper Canada or of the legal profession in any other province of Canada;

(o) "member" or "member of the University" means a student or a faculty member, proctor or invigilator in the University, and includes a group;

(p) "plagiarism". The present sense of plagiarism is contained in the original (1621) meaning in English: "the wrongful appropriation and purloining, and publication as one's own, of the ideas, or the expression of the ideas ... of another." This most common, and frequently most elusive of academic infractions is normally associated with student essays. Plagiarism can, however, also threaten the integrity of studio and seminar room, laboratory and lecture hall. Plagiarism is at once a perversion of originality and a denial of the interdependence and mutuality which are the heart of scholarship itself, and hence of the academic experience.

Instructors should make clear what constitutes plagiarism within a particular discipline:

(q) "Provost" means the Vice-President and Provost of the University or a member of the staff of the University designated by him or her;

(r) "Secretary" means Secretary of the Tribunal and his or her assistants appointed by the Academic Board;

(s) "student" means that type of member of the University who is currently or was previously

(i) engaged in any academic work which leads to the recording and/or issue of a mark, grade, or statement of performance by the appropriate authority in the University or another institution; and/or

(ii) registered in any academic course which entitles the member to the use of a University library, library materials, library resources, computer facility or dataset; and/or

(iii) a post-doctoral fellow.

(t) "Tribunal" or "University Tribunal" means the University Tribunal as constituted under section C.ii.(a) hereof and any other person or body that may be substituted therefore;

(u) "University" includes the University of Toronto, University College, and the constituent colleges, the federated universities, faculties, departments, schools, centres, institutes and other divisions and academic units of the University.

Appendix "B"

Code of Behaviour on Academic Matters

The Rights and Freedoms Enjoyed by Members of the University

All members enjoy the right to the fullest possible freedom of enquiry. In particular this includes:

- the freedom to communicate in any reasonable way, and to discuss and explore any idea;
- the freedom to move about the University and to the reasonable use of the facilities of the University;
- the freedom from discrimination on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap;
- the freedom in respect of offices, lockers, residences and private papers from unjustified invasions of privacy.

In addition, all members enjoy the following freedoms in relation to their freedom of association:

- the freedom to hold and advertise meetings, to debate and to engage in peaceful demonstrations;
- the freedom to organize groups for any lawful purpose;
- the freedom of the reasonable use of University facilities for the purposes of any lawful

group.

Appendix "C"

Code of Behaviour on Academic Matters

Provost's Guidelines on Sanctions, Offences and Suggested Penalties For Students

Sanctions

1. One or more of the sanctions in section C.i.(b) may be imposed by the dean where a student or former student admits to the commission of an offence.
2. One or more of the sanctions in section C.ii.(b) may be imposed by the Tribunal upon conviction of any student or former student of any offence.

Relation of Offences and Sanctions

The particular circumstances of each case will, of course, have to be taken into account, but the following are suggested guidelines:

1. For offences on term work, term tests or final exams, the sanction recommended is not less than twice the value of the exam, work or test.
2. For submitting work, where it forms a major fraction of the course, in whole from another person, the sanction recommended shall be suspension from the University for at least two years.
3. Where a student has been previously convicted under the Code and commits another offence, the recommended sanction shall be from suspension for two years to expulsion from the University.
4. For offences related to damaging or misusing library materials, computer equipment or other facilities the recommended sanctions shall be a monetary fine and/or denial of privileges to use the facility involved.
5. For submitting purchased work, the sanction recommended shall be expulsion from the University. The minimum sanction shall be suspension from the University for a period of time and zero as the final grade where the offence occurred.
6. For personating, or having an individual personate on a test or examination, the recommended sanction shall be expulsion from the University.

B. Offences

The University and its members have a responsibility to ensure that a climate which might encourage, or conditions which might enable, cheating, misrepresentation or unfairness not be tolerated. To this end, all must acknowledge that seeking credit or other advantages by fraud or misrepresentation, or seeking to disadvantage others by disruptive behaviour is unacceptable, as is any dishonesty or unfairness in dealing with the work or record of a student.

Wherever in this Code an offence is described as depending on "knowing", the offence shall likewise be deemed to have been committed if the person ought reasonably to have known.

- B.i.**
1. It shall be an offence for a student knowingly:
 - (a) to forge or in any other way alter or falsify any document or evidence required by the University, or to utter, circulate or make use of any such forged, altered or falsified document, whether the record be in print or electronic form;
 - (b) to use or possess an unauthorized aid or aids or obtain unauthorized assistance in any academic examination or term test or in connection with any other form of academic work;
 - (c) to personate another person, or to have another person personate, at any academic examination or term test or in connection with any other form of academic work;
 - (d) to represent as one's own any idea or expression of an idea or work of another in any academic examination or term test or in connection with any other form of academic work, i.e. to commit plagiarism (for a more detailed account of plagiarism, see Appendix "A") ;
 - (e) to submit, without the knowledge and approval of the instructor to whom it is submitted, any academic work for which credit has previously been obtained or is being sought in another course or program of study in the University or elsewhere;
 - (f) to submit any academic work containing a purported statement of fact or reference to a source which has been concocted.
 2. It shall be an offence for a faculty member knowingly:
 - (a) to approve any of the previously described offences;
 - (b) to evaluate an application for admission or transfer to a course or program of study by reference to any criterion that is not academically justified;
 - (c) to evaluate academic work by a student by reference to any criterion that does not relate to its merit, to the time within which it is to be submitted or to the manner in which it is to be performed.
 3. It shall be an offence for a faculty member and student alike knowingly:
 - (a) to forge or in any other way alter or falsify any academic record, or to utter, circulate or make use of any such forged, altered or falsified record, whether the record be in print or electronic form;
 - (b) to engage in any form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not herein otherwise described, in order to obtain academic credit or other academic advantage of any kind.
 4. A graduate of the University may be charged with any of the above offences committed knowingly while he or she was an active student, when, in the opinion of the Provost, the offence, if detected, would have resulted in a sanction sufficiently severe that the degree would not have been granted at the time that it was.

B.ii. Parties to Offences

1. (a) Every member is a party to an offence under this Code who knowingly:
 - (i) actually commits it;
 - (ii) does or omits to do anything for the purpose of aiding or assisting another member to commit the offence;
 - (iii) does or omits to do anything for the purpose of aiding or assisting any

other person who, if that person were a member, would have committed the offence;

(iv) abets, counsels, procures or conspires with another member to commit or be a party to an offence; or

(v) abets, counsels, procures or conspires with any other person who, if that person were a member, would have committed or have been a party to the offence.

(b) Every party to an offence under this Code is liable upon admission of the commission thereof, or upon conviction, as the case may be, to the sanctions applicable to that offence.

2. Every member who, having an intent to commit an offence under this Code, does or omits to do anything for the purpose of carrying out that intention (other than mere preparation to commit the offence) is guilty of an attempt to commit the offence and liable upon conviction to the same sanctions as if he or she had committed the offence.
3. When a group is found guilty of an offence under this Code, every officer, director or agent of the group, being a member of the University, who directed, authorized or participated in the commission of the offence is a party to and guilty of the offence and is liable upon conviction to the sanctions provided for the offence.

C. Procedures in Cases Involving Students

At both the divisional level and the level of the University Tribunal, the procedures for handling charges of academic offences involving students reflect the gravity with which the University views such offences. At the same time, these procedures and those which ensure students the right of appeal represent the University's commitment to fairness and the cause of justice.

C.i.(a) Divisional Procedures

Note: Where a student commits an offence, the faculty in which the student is registered has responsibility over the student in the matter. In the case of Scarborough and Erindale Colleges, the college is deemed to be the faculty.

- | | |
|--|--|
| <i>not
proceedings
of Tribunal</i> | 1. No hearing within the meaning of section 2 of the <i>Statutory Powers Procedure Act</i> is required for the purposes of or in connection with any of the discussions, meetings and determinations referred to in section C.i.(a), and such discussions, meetings and determinations are not proceedings of the Tribunal. |
| <i>instructor's
duties</i> | 2. Where an instructor has reasonable grounds to believe that an academic offence has been committed by a student, the instructor shall so inform the student immediately after learning of the act or conduct complained of, giving reasons, and invite the student to discuss the matter. Nothing the student says in such a discussion may be used or receivable in evidence against the student. |
| | 3. If after such discussion, the instructor is satisfied that no academic offence has been committed, he or she shall so inform the student and no further action shall be taken in the matter by the instructor, unless fresh evidence comes to the attention of the instructor, in which case he or she may again proceed in accordance with subsection 2. |
| <i>instructor's
report to the
department
chair</i> | 4. If after such discussion, the instructor believes that an academic offence has been committed by the student, or if the student fails or neglects to respond to the invitation for discussion, the instructor shall make a report of the matter to the department chair or through the department chair to the dean. (See also section C.i.(b) 1.) |

- dean's or chair's meeting with student* 5. When the dean or the department chair, as the case may be, has been so informed, he or she shall notify the student in writing accordingly, provide him or her with a copy of the Code and subsequently afford the student an opportunity for discussion of the matter. In the case of the dean being informed, the chair of the department and the instructor shall be invited by the dean to be present at the meeting with the student. The dean shall conduct the interview.
- dean's warning admissions used at a hearing* 6. Before proceeding with the meeting, the dean shall inform the student that he or she is entitled to seek advice, or to be accompanied by counsel at the meeting, before making, and is not obliged to make, any statement or admission, but shall warn that if he or she makes any statement or admission in the meeting, it may be used or receivable in evidence against the student in the hearing of any charge with respect to the alleged offence in question. The dean shall also advise the student, without further comment or discussion, of the sanctions that may be imposed under section C.i.(b), and that the dean is not obliged to impose a sanction but may instead request that the Provost lay a charge against the student. Where such advice and warning have been given, the statements and admissions, if any, made in such a meeting may be used or received in evidence against the student in any such hearing.
- no further action* 7. If the dean, on the advice of the department chair and the instructor, or if the department chair, on the advice of the instructor, subsequently decides that no academic offence has been committed and that no further action in the matter is required, the student shall be so informed in writing and the student's work shall be accepted for normal evaluation or, if the student was prevented from withdrawing from the course by the withdrawal date, he or she shall be allowed to do so. Thereafter, the matter shall not be introduced into evidence at a Tribunal hearing for another offence.
- imposition of sanction* 8. If the student admits the alleged offence, the dean or the department chair may either impose the sanction(s) that he or she considers appropriate under section C.i.(b) or refer the matter to the dean or Provost, as the case may be, and in either event shall inform the student in writing accordingly. No further action in the matter shall be taken by the instructor, the department chair or the dean if the dean imposes a sanction.
- student may refer matter* 9. If the student is dissatisfied with a sanction imposed by the department chair or the dean, as the case may be, the student may refer the matter to the dean or Provost as the case may be, for consideration.
- referral of matter to Tribunal* 10. If the student does not admit the alleged offence, the dean may, after consultation with the instructor and the department chair, request that the Provost lay a charge against the student. If the Provost agrees to lay a charge, the case shall then proceed to the Trial Division of the Tribunal.
- decanal procedures at trial* 11. Normally, decanal procedures will not be examined in a hearing before the Tribunal. A failure to carry out the procedures referred to in this section, or any defect or irregularity in such procedures, shall not invalidate any subsequent proceedings of or before the Tribunal, unless the chair of the hearing considers that such failure, defect or irregularity resulted in a substantial wrong, detriment or prejudice to the accused. The chair will determine at the opening of the hearing whether there is to be any objection to an alleged defect, failure or irregularity.
- student's standing pending disposition* 12. No degree, diploma or certificate of the University shall be conferred or awarded, nor shall a student be allowed to withdraw from a course from the time of the alleged offence until the final disposition of the accusation. However, a student shall be permitted to use University facilities while a decision is pending, unless there are valid reasons for the dean to bar him or her from a facility. When or at any time after an accusation has been reported to the dean, he or she may cause a notation to be recorded on the student's academic record and transcript, until the final disposition of the accusation, to indicate that the standing in a course and/or the student's academic status is under review. A student upon whom a sanction has been imposed by the dean or the department chair under section C.i.(b) or who has

been convicted by the Tribunal shall not be allowed to withdraw from a course so as to avoid the sanction imposed.

- recording cases*
- referral to records*
- reporting cases*
- advice on cases*
- analogy to faculty member*
- analogy to procedures*
13. A record of cases disposed of under section C.i.(a) and of the sanctions imposed shall be kept in the academic unit concerned and may be referred to by the dean in connection with a decision to prosecute, or by the prosecution in making representations as to the sanction or sanctions to be imposed by the Tribunal, for any subsequent offence committed by the student. Information on such cases shall be available to other academic units upon request and such cases shall be reported by the dean to the Secretary of the Tribunal for use in the Provost's annual report to the Academic Board. The dean may contact the Secretary of the Tribunal for advice or for information on cases disposed of under section C.ii hereof.
 14. Where a proctor or invigilator, who is not a faculty member, has reason to believe that an academic offence has been committed by a student at an examination or test, the proctor or invigilator shall so inform the student's dean or department chair, as the case may be, who shall proceed as if he or she were an instructor, by analogy to the other provisions of this section.
 15. In the case of alleged offences not covered by the procedures above and not involving the submission of academic work, such as those concerning forgery or uttering, and in cases involving cancellation, recall or suspension of a degree, diploma or certificate, the procedure shall be regulated by analogy to the other procedures set out in this section.

C.i.(b) Divisional Sanctions

- department chair's duties*
1. In an assignment worth ten percent or less of the final grade, the department chair may deal with the matter if,
 - (i) the student admits guilt; and
 - (ii) the assignment of a penalty is limited to at most a mark of zero for the piece of work.

If the student does not admit guilt, or if the department chair chooses, the matter shall be brought before the dean.

- sanctions listed*
2. One or more of the following sanctions may be imposed by the dean where a student admits to the commission of an alleged offence:
 - (a) an oral and/or written reprimand;
 - (b) an oral and/or written reprimand and, with the permission of the instructor, the resubmission of the piece of academic work in respect of which the offence was committed, for evaluation. Such a sanction shall be imposed only for minor offences and where the student has committed no previous offence;
 - (c) assignment of a grade of zero or a failure for the piece of academic work in respect of which the offence was committed;
 - (d) assignment of a penalty in the form of a reduction of the final grade in the course in respect of which the offence was committed;
 - (e) denial of privileges to use any facility of the University, including library and computer facilities;
 - (f) a monetary fine to cover the costs of replacing damaged property or misused supplies in respect of which the offence was committed;
 - (g) assignment of a grade of zero or a failure for the course in respect of which the offence was committed;

(h) suspension from attendance in a course or courses, a program, an academic division or unit, or the University for a period of not more than twelve months. Where a student has not completed a course or courses in respect of which an offence has not been committed, withdrawal from the course or courses without academic penalty shall be allowed.

- recording on academic transcript* 3. The dean shall have the power to record any sanction imposed on the student's academic record and transcript for such length of time as he or she considers appropriate. However, the sanctions of suspension or a notation specifying academic misconduct as the reason for a grade of zero for a course shall normally be recorded for a period of five years.
- Provost's Guidelines* 4. The Provost shall, from time to time, indicate appropriate sanctions for certain offences. These guidelines shall be sent for information to the Academic Board and attached to the Code as Appendix "C".

C.II.(a) Tribunal Procedures

- laying of charge* 1. A prosecution for an alleged academic offence shall be instituted by the laying of a charge by the Provost against the accused. This is done when the student does not admit guilt; when the sanction desired is beyond the power of the dean to impose; when the student has been found guilty of a previous offence; or when the student is being accused simultaneously of two or more different offences involving more than one incident.
- consultation* 2. No charge shall be laid except with the agreement of the dean concerned and of the Provost, after consultation between the Provost and the Discipline Counsel.
- form of charge* 3. A charge shall be in writing, addressed to the accused, signed by or under the authority of the Provost and filed with the Secretary. It shall contain a statement that the student is charged with having committed an offence specified therein, with sufficient particulars of the circumstances to enable the student to identify the alleged act or conduct giving rise to the charge.
- notice of hearing* 4. Upon receipt by the Secretary of a charge which appears to be in proper form, the member of the Tribunal designated to be the chair of the hearing and the Secretary shall immediately determine and give appropriate notice of a date, time and place for the hearing.
- withdrawal from course not precluding prosecution record of hearing* 5. Withdrawal of a student from a course or program of study shall not preclude or affect any prosecution before the Tribunal in respect of an alleged academic offence.
6. The proceedings at a hearing, including the evidence and the verdict of the panel shall be recorded by the Secretary by means of a tape recording, stenographic reporter or other reliable means.
- Statutory Powers Procedure Act modification of rules* 7. The procedures of the Tribunal shall conform to the requirements of the *Statutory Powers Procedure Act*, Revised Statutes of Ontario, 1990, Chapter S. 22, as amended from time to time.
8. The Tribunal may, from time to time, by a majority of its members, make, adopt and modify rules governing its procedures which are not inconsistent with the provisions hereof, and all such rules and modifications shall be reported to the Academic Board for information.
- onus and standard of proof not compellable to testify Tribunal structure* 9. The onus of proof shall be on the prosecutor, who must show on clear and convincing evidence that the accused has committed the alleged offence.
10. The accused shall not be compelled to testify at his or her hearing.
11. The divisions of the Tribunal are:
 (a) Trial; and
 (b) Appeal.
- membership* 12. The members of the Trial Division of the Tribunal shall consist of a Senior Chair,

- two Associate Chairs and up to fifteen co-chairs, appointed by the Academic Board.
13. No presiding member of the Trial Division of the Tribunal shall be a full-time student or a full-time member of the teaching staff or a member of the administrative staff.
14. The Senior Chair, Associate Chairs and co-chairs shall be legally qualified.
15. The Senior Chair shall be the chair of the Tribunal and either the Senior Chair, an Associate Chair or a co-chair, as selected by the Secretary, shall preside at trial hearings of the Tribunal.
- place of hearing* 16. Trial hearings of the Tribunal involving students registered at Scarborough College shall normally be held on the Scarborough campus of the University and those involving students registered at Erindale College shall normally be held on the Erindale campus of the University.
- duties of Tribunal* 17. (a) The Tribunal shall,
- (i)hear and dispose of charges brought under the Code;
 - (ii)report its decisions for information to the Academic Board;
 - (iii)make recommendations to the Governing Council as contemplated by the Code;
 - (iv)advise the Academic Board, from time to time, on policy and procedures with respect to the Code; and
 - (v)determine its practice and procedures, subject to the provisions hereof.
- award of costs* (b) Where it is considered to be warranted by the circumstances, the chair of a hearing may in his or her discretion award costs of any proceedings at trial, and may make orders as to the party or parties to and by whom and the amounts and manner in which such costs are to be paid.
- panel* 18. Hearings in the Trial Division of the Tribunal shall be by a hearing panel composed of three persons, of whom one shall be a student, one shall be a faculty member and the third shall be the Senior Chair, an Associate Chair or a co-chair of the Tribunal.
- membership* 19. The members of each panel (other than the chair) shall be drawn from a pool consisting of at least 15 students who are not also faculty members and at least 15 faculty members who are not also students. The members of such pool shall be appointed by the Secretary, drawn from the various academic divisions and units of the University, and shall serve for a period of two years. The appointments shall be renewable upon invitation by the Senior Chair of the Tribunal.
- selection of panel* 20. Panel members for each case shall be selected by the Secretary who shall exercise due discretion in excluding members who may know either the accused or the circumstances of the alleged offence. Generally, student members will not be drawn from the same program of study as the accused. Faculty members from the department in which an offence is alleged to have occurred will be excluded from the panel.
- challenging panel members* 21. Either the accused or the prosecution may challenge prior to the hearing, and the chair of the hearing may disqualify any prospective panel member for cause which in his or her opinion justifies such disqualification.
- chair's role* 22. At trial hearings of the Tribunal,
- panel's role*
- (a) the chair of the hearing shall determine all questions of law and has a vote on the verdict and sanction; and
 - (b) the panel shall determine all questions of fact and render a verdict according to the evidence.

- admission of guilt after charge laid* 23. Where, after a charge has been laid by the Provost but before a Tribunal hearing takes place, the accused admits the alleged offence, the Provost may refer the matter either (i) to the dean, who shall impose the sanction(s) that he or she considers appropriate under section C.i.(b); or (ii) to a panel, in which event the panel may convict the accused without the prosecution having to lead evidence of guilt, and the panel shall impose a sanction or sanctions in accordance with section 25 or 26; provided that before any sanction is imposed, the dean or the panel, as the case may be, shall have afforded the accused an opportunity to offer an explanation and to present arguments and submissions as to sanction.
- verdict of panel* 24. The verdict of a panel need not be unanimous but at least two affirmative votes shall be required for a conviction. Unless there are at least two affirmative votes for conviction, the accused shall be acquitted.
- sanction of panel* 25. The sanction or sanctions to be imposed upon conviction at a hearing shall be determined by a majority of the panel members, and the panel shall give reasons for the sanction or sanctions imposed.
- disagreement on sanction(s)* 26. If the panel is unable to reach agreement, by a majority of its members, as to the sanction to be imposed, the chair of the hearing shall impose the sanction or set of sanctions which is the least severe of those that the individual members of the panel would impose.
- Discipline Counsel* 27. There shall be a University Discipline Counsel and there may be one or more assistants to the Discipline Counsel, appointed by the Academic Board on the recommendation of the Provost.
28. The Discipline Counsel and any assistant shall be a barrister and solicitor qualified to practice law in Ontario and shall not be a full-time student or a full-time member of the teaching staff or a member of the administrative staff.
29. The Discipline Counsel or an assistant shall conduct all proceedings on behalf of the Provost before the Tribunal and on any appeal from a Tribunal decision.
30. The other duties of the Discipline Counsel and assistants shall be as determined by the Provost.
- Secretary* 31. The Secretary of the Tribunal and his or her assistants shall be appointed by the Academic Board on the recommendation of the Provost.
32. The duties of the Secretary and assistants shall be determined by the Senior Chair and members of the Tribunal and reported to the Academic Board for information.
33. Where anything is required by the Code to be done by or with the Secretary, it may be done by or with the Secretary or any of his or her assistants.

C.ii.(b) Tribunal Sanctions

- sanctions listed* 1. One or more of this following sanctions may be imposed by the Tribunal upon the conviction of any student:
- (a) an oral and/or written reprimand;
 - (b) an oral and/or written reprimand and, with the permission of the instructor, the resubmission of the piece of academic work in respect of which the offence was committed, for evaluation. Such a sanction shall be imposed only for minor offences and where the student has committed no previous offence;
 - (c) assignment of a grade of zero or a failure for the piece of academic work in respect of which the offence was committed;
 - (d) assignment of a penalty in the form of a reduction of the final grade in the course in respect of which the offence was committed;
 - (e) denial of privileges to use any facility of the University, including library and computer facilities;
 - (f) a monetary fine to cover the costs of replacing damaged property or

misused supplies in respect of which the offence was committed;

(g) assignment of a grade of zero or a failure for any completed or uncompleted course or courses in respect of which any offence was committed;

(h) suspension from attendance in a course or courses, a program, an academic unit or division, or the University for such a period of time up to five years as may be determined by the Tribunal. Where a student has not completed a course or courses in respect of which an offence has not been committed, withdrawal from the course or courses without academic penalty shall be allowed;

expulsion

(i) recommendation of expulsion from the University. The Tribunal has power only to recommend that such a penalty be imposed. In any such case, the recommendation shall be made by the Tribunal to the President for a recommendation by him or her to the Governing Council. Expulsion shall mean that the student shall be denied any further registration at the University in any program, and his or her academic record and transcript shall record this sanction permanently. Where a student has not completed a course or courses in respect of which an offence has not been committed, withdrawal from the course or courses without academic penalty shall be allowed. If a recommendation for expulsion is not adopted, the Governing Council shall have the power to impose such lesser penalty as it sees fit.

cancellation of degree

(j)

(i) recommendation to the Governing Council for cancellation, recall or suspension of one or more degrees, diplomas or certificates obtained by any graduate; or

(ii) cancellation of academic standing or academic credits obtained by any former student

who, while enrolled, committed any offence which if detected before the granting of the degree, diploma, certificate, standing or credits would, in the judgment of the Tribunal, have resulted in a conviction and the application of a sanction sufficiently severe that the degree, diploma, certificate, standing, credits or marks would not have been granted.

recording sanction

2. The hearing panel shall have the power to order that any sanction imposed by the Tribunal be recorded on the students academic record and transcript for such length of time as the panel considers appropriate.

publishing decision and sanction

3. The Tribunal may, if it considers it appropriate, report any case to the Provost who may publish a notice of the decision of the Tribunal and the sanction or sanctions imposed in the University newspapers, with the name of the student withheld.

D. Procedures in Cases Involving Faculty Members

Divisional and Tribunal procedures for faculty members charged with academic offences, and the sanctions and appeal procedures for those convicted, resemble - with appropriate modifications - procedures and sanctions in force for students, with this signal exception: grounds and procedures for terminating employment of tenured faculty are those set forth in the *Policy and Procedures on Academic Appointments*, as amended from time to time.

D.I.(a) Divisional Procedures

not proceedings

1. No hearing within the meaning of section 2 of the *Statutory Powers Procedure Act*

- of Tribunal is required for the purposes of or in connection with any of the discussions, meetings and determinations referred to in section D.i.(a), and such discussions, meetings and determinations are not proceedings of the Tribunal.
- department chair's duties 2. Where a student or a faculty member or a member of the administrative staff has reason to believe that an academic offence has been committed by a faculty member, he or she shall so inform the chair of the department or academic unit in which the faculty member holds a primary appointment. The department chair shall inform the faculty member immediately after learning of the act or conduct complained of and invite the faculty member to discuss the matter. The chair shall inform the faculty member that he or she is entitled to seek advice, or to be accompanied by counsel at the meeting, before making, and is not obliged to make, any statement or admission, but shall warn that if he or she makes any statement or admission in the meeting, it may be used or receivable in evidence against the faculty member in the hearing of any charge with respect to the alleged offence in question.
- no further action 3. If after discussion, the department chair is satisfied that no academic offence has been committed, he or she shall inform the faculty member in writing and no further action shall be taken in the matter, unless fresh evidence comes to the attention of the department chair, in which case he or she may again proceed in accordance with subsection 2.
- department chair's report to dean 4. If after such discussion the department chair believes that an academic offence has been committed by the faculty member, or if the faculty member fails or neglects to respond to the invitation for discussion, the department chair shall make a report of the matter in writing to the dean.
- dean's meeting with faculty member 5. When the dean has been so informed, he or she shall immediately notify the faculty member in writing accordingly, provide him or her with a copy of the Code and subsequently afford the faculty member an opportunity for discussion of the matter. The department chair and the complainant shall be invited by the dean to be present at the meeting with the faculty member. The dean shall conduct the interview.
- dean's warning admissions used at a hearing 6. Before proceeding with the meeting, the dean shall inform the faculty member that he or she is entitled to seek advice, or to be accompanied by counsel at the meeting, before making, and is not obliged to make, any statement or admission, but shall warn that if he or she makes any statement or admission in the meeting, it may be used or receivable in evidence against the faculty member in the hearing of any charge with respect to the alleged offence in question. The dean shall also advise the faculty member, without further comment or discussion, of the sanctions that may be imposed under section D.i.(b), and that the dean is not obliged to impose a sanction but may instead request either that the Provost lay a charge against the faculty member or that the President initiate dismissal proceedings. Where such advice and warning have been given, the statements and admissions, if any, made at such a meeting may be used or received in evidence against the faculty member in any such hearing.
- no further action 7. If after the discussions at such a meeting, the complainant is satisfied that no academic offence has been committed and the department chair and the dean agree, no further action in the matter shall be taken by the complainant or the dean, and the dean shall so inform the faculty member in writing. Thereafter, the matter shall not be introduced into evidence at a Tribunal or any hearing for another offence.
- imposition of sanction 8. If the faculty member admits the alleged offence, the dean may impose sanctions that are within the power and authority of the dean, and no further action in the matter shall be taken by the dean or the complainant if the dean proceeds under this subsection.
- faculty member may refer matter complainant may refer 9. If the faculty member is dissatisfied with a sanction imposed by the department chair or the dean, the faculty member may refer the matter to the dean or the Provost for consideration. If the complainant is dissatisfied with a decision of the department chair or the dean not to refer the complaint to the next level with a recommendation for further action, the complainant may refer the matter to the

- maner* dean or Provost for consideration.
- referral of matter to President or Tribunal* 10. Where the dean believes that an academic offence has been committed by a faculty member with respect to which further proceedings should be taken (whether or not such offence has been admitted by the faculty member), the dean shall either.
- (a) in the case of a faculty member having tenure, request the President to appoint a committee under the *Policy and Procedures on Academic Appointments*, as amended from time to time; to consider dismissal of the faculty member, or
- (b) in the case of any faculty member, proceed to request that the Provost lay a charge against the faculty member under section D.ii below.
- Tribunal proceedings suspended* 11. Where a dean requests the President to appoint a committee under the *Policy and Procedures on Academic Appointments*, as amended from time to time, to consider dismissal of a tenured faculty member, any proceedings before the Tribunal shall be suspended until either the President signifies that he or she will not accept and act upon the request, or the proceedings for dismissal have been finally determined, as the case may be.
- offence by department chair or dean* 12. Where a student or a faculty member or an administrative staff member has reason to believe that an academic offence has been committed by a department chair, he or she shall so inform the dean of the academic unit in which the chair holds an appointment, and where he or she has reason to believe that an academic offence has been committed by a dean, he or she shall so inform the Provost, and the procedure shall be regulated by analogy to other provisions of this section.

D.i.(b) Divisional Sanctions

- sanctions listed* 1. One or more of the following sanctions may be imposed by the dean where a faculty member admits the commission of an alleged offence:
- (a) an oral and/or written reprimand;
- (b) assignment by the dean of administrative sanctions.
- Provost's Guidelines* 2. The Provost shall, from time to time, indicate appropriate sanctions for certain offences. These guidelines shall be sent for information to the Academic Board and appended to the Code.

D.ii.(a) Tribunal Procedures

- laying of charge* 1. A prosecution for an alleged academic offence shall be instituted by the laying of a charge by the Provost against the accused.
- consultation* 2. No charge shall be laid except with the agreement of the dean and the Provost, after consultation between the Provost and the Discipline Counsel.
- form of charge* 3. A charge shall be in writing, addressed to the accused, signed by or under the authority of the Provost and filed with the Secretary. It shall contain a statement that the faculty member is charged with having committed an offence specified therein, with sufficient particulars of the circumstances to enable the faculty member to identify the alleged act or conduct giving rise to the charge.
- notice of hearing* 4. Upon receipt by the Secretary of a charge which appears to be in proper form, the member of the Tribunal designated to be the chair of the hearing and the Secretary shall immediately determine and give appropriate notice of a date, time and place for the hearing.
- Tribunal duties and procedures* 5. The duties, membership and procedures of the Tribunal shall be as in section C.ii.(a) 6 to 33.

D.ii.(b) Tribunal Sanctions

- sanctions listed* 1. One or more of the following sanctions may be imposed by the Tribunal upon the conviction of any faculty member:
- (a) an oral and/or written reprimand;

(b) recommendation to the President for the application of administrative sanctions;

dismissal

(c) recommendation to the President for dismissal, or, in the case of a tenured faculty member, for the appointment of a committee under the *Policy and Procedures on Academic Appointments*, as amended from time to time, to consider dismissal. The Tribunal has power only to recommend that such a penalty be imposed. If a recommendation for dismissal is not adopted, the Governing Council or the President, as the case may be, shall have power to impose such lesser penalty as is deemed fit.

E. Appeals

Discipline Appeals Board-panel membership

1. Appeals from decisions at trial shall be heard by a panel drawn from the Discipline Appeals Board consisting of the Senior Chair of the Tribunal, or an Associate Chair designated by him or her, and three members of the Discipline Appeals Board drawn preferably from the Academic Board nominees to the Board. The Academic Board's nominees shall be chosen from among its current or former members. At least one member of each panel shall be a faculty member who is not also a student and at least one shall be a student who is not also a faculty member.
2. The Senior Chair or an Associate Chair shall preside at all appeal hearings.
3. Where the Discipline Appeals Board hears an appeal,

(a) no Tribunal member who participated in the decision appealed from shall participate in the appeal; and

(b) the decision of the majority of the members hearing the appeal shall govern, and the presiding Chair shall be a voting member.

cases for appeal

4. An appeal to the Discipline Appeals Board may be taken in the following cases only:

(a) by the accused, from a conviction at trial, upon a question which is not one of fact alone;

(b) by the Provost, from an acquittal at trial, upon a question which is not one of fact alone;

(c) by the accused or the Provost, from a sanction imposed at trial.

filing of appeal

5. An appeal shall be made by filing with the Secretary, within 21 days after the giving of notice of the decision of the Tribunal, a notice of appeal stating briefly the relief sought and the grounds upon which the appeal is taken; provided that in exceptional circumstances, the Senior Chair shall have the power to enlarge the time for appeal upon application made either before or after the expiry of that time.

appellant bears cost of transcription

6. If the appellant wishes to refer in the argument of the appeal to the transcript of oral proceedings recorded at the trial, five copies of such transcript certified by the reporter or recorder thereof shall be ordered by and normally at the expense of the student. A transcript of the entire proceedings shall be produced unless the parties can agree to dispense with certain portions.

powers of Board

7. The Discipline Appeals Board shall have power,

(a) to dismiss an appeal summarily and without formal hearing if it determines that the appeal is frivolous, vexatious or without foundation;

(b) in circumstances which the Tribunal members hearing the appeal consider to be exceptional, to order a new hearing; and

(c) in any other case, to affirm, reverse, quash, vary or modify the verdict, penalty or sanction appealed from and substitute any verdict penalty or

sanction that could have been given or imposed at trial.

- appeal not trial de novo* 8. An appeal shall not be a trial de novo, but in circumstances which it considers to be exceptional, the Discipline Appeals Board may allow the introduction of further evidence on appeal which was not available or was not adduced at trial, in such manner and upon such terms as the members of the Board hearing the appeal may direct.
- award of costs* 9. Where it is considered to be warranted by the circumstances, the Board may in its discretion, award costs of any proceedings on appeal, and may make orders as to the party or parties to and by whom and the amounts and manner in which such costs are to be paid.
- stay unless otherwise ordered* 10. An appeal operates as a stay of the decision appealed from unless the Senior Chair of the Tribunal, on behalf of the Discipline Appeals Board, otherwise orders upon application by the accused or the Provost.

Appendix "A"

Code of Behaviour on Academic Matters

Interpretation

1. Unless otherwise provided herein, words defined in section 1 of the *University of Toronto Act, 1971*, as amended from time to time, have the same meaning in this Code as in that Act.

2. In this Code, unless the context otherwise requires:

(a) "Academic Board" means the Academic Board of the Governing Council;

(b) "academic offence" or "offence" means an offence under the Code;

(c) "academic record" includes any record or document included within the definition of the "official student academic record" contained in the University's Policy on Access to Student Academic Records, as amended from time to time, and any other record or document of the University or of another educational institution, and any library or any other identity or identification card or certificate, used, submitted or to be submitted for the purposes of the University;

(d) "academic work" includes any academic paper, term test, proficiency test, essay, thesis, research report, project, assignment or examination, whether oral, in writing, in other media or otherwise and/or registration and participation in any course, program, seminar, workshop, conference or symposium offered by the University;

(e) "Code" means this Code of Behaviour on Academic Matters, as amended from time to time;

(f) "computer" means any computer facility operated wholly or partly within or from the University;

(g) "datasets" includes all records, data and datasets stored either on-line to a computer or off-line in machine-readable form or any other transportable medium;

(h) "dean" means the Director of the School of Physical and Health Education, the Director of the School of Continuing Studies, or the Principal of Erindale College, or the Principal of Scarborough College, or the dean of the faculty or school where the member is registered or has

primary appointment, as the case may be, or, in the case of an offence concerning a library, library material or library resources, the Chief librarian, or the designate of any such person:

(i) "department chair" means the chair of a department of an academic unit, or the principal of a constituent college or the Principal of University College, or the director of a centre or institute, or, where a unit is not subdivided into departments, the dean of the unit or, in the case of Scarborough College, a divisional chair or, in the case of Erindale College, a discipline representative or, in the case of an offence concerning a library, library material or library resources, the head of the library concerned, or the designate of any such person;

(j) "Discipline Counsel" means the University Discipline Counsel or an assistant appointed by the Academic Board;

(k) "faculty member" means a member of the teaching staff;

(l) "group" means a club, society, association, committee or other body of members having an affinity based upon common or collective interest or purpose, whether or not incorporated and whether or not officially recognized by the University;

(m) "instructor" means any person who teaches or instructs or has a duty to teach or instruct a student or students or who evaluates or who has a duty to evaluate the work of a student or students, and includes a faculty member, a teaching assistant and a librarian;

(n) "legally qualified" means in good standing as a member (other than an honorary member or student member) of The Law Society of Upper Canada or of the legal profession in any other province of Canada;

(o) "member" or "member of the University" means a student or a faculty member, proctor or invigilator in the University, and includes a group;

(p) "plagiarism". The present sense of plagiarism is contained in the original (1621) meaning in English: "the wrongful appropriation and purloining, and publication as one's own, of the ideas, or the expression of the ideas ... of another." This most common, and frequently most elusive of academic infractions is normally associated with student essays. Plagiarism can, however, also threaten the integrity of studio and seminar room, laboratory and lecture hall. Plagiarism is at once a perversion of originality and a denial of the interdependence and mutuality which are the heart of scholarship itself, and hence of the academic experience. Instructors should make clear what constitutes plagiarism within a particular discipline;

(q) "Provost" means the Vice-President and Provost of the University or a member of the staff of the University designated by him or her;

(r) "Secretary" means Secretary of the Tribunal and his or her assistants appointed by the Academic Board;

(s) "student" means that type of member of the University who is currently or was previously

(i) engaged in any academic work which leads to the recording and/or issue of a mark, grade, or statement of performance by the appropriate authority in the University or another institution; and/or

(ii) registered in any academic course which entitles the member to the use of a University library, library materials, library resources, computer facility or dataset; and/or

(iii) a post-doctoral fellow.

(t) "Tribunal" or "University Tribunal" means the University Tribunal as constituted under section C.ii.(a) hereof and any other person or body that may be substituted therefor;

(u) "University" includes the University of Toronto, University College, and the constituent colleges, the federated universities, faculties, departments, schools, centres, institutes and other divisions and academic units of the University.

Appendix "B"

Code of Behaviour on Academic Matters

The Rights and Freedoms Enjoyed by Members of the University

All members enjoy the right to the fullest possible freedom of enquiry. In particular this includes:

- the freedom to communicate in any reasonable way, and to discuss and explore any idea;
- the freedom to move about the University and to the reasonable use of the facilities of the University;
- the freedom from discrimination on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap;
- the freedom in respect of offices, lockers, residences and private papers from unjustified invasions of privacy.

In addition, all members enjoy the following freedoms in relation to their freedom of association:

- the freedom to hold and advertise meetings, to debate and to engage in peaceful demonstrations;
- the freedom to organize groups for any lawful purpose;
- the freedom of the reasonable use of University facilities for the purposes of any lawful group.

Appendix "C"

Code of Behaviour on Academic Matters

Provost's Guidelines on Sanctions, Offences and Suggested Penalties For Students

Sanctions

1. One or more of the sanctions in section C.i.(b) may be imposed by the dean where a student or former student admits to the commission of an offence.
2. One or more of the sanctions in section C.ii.(b) may be imposed by the Tribunal upon conviction of any student or former student of any offence.

Relation of Offences and Sanctions

The particular circumstances of each case will, of course, have to be taken into account, but the following are suggested guidelines:

1. For offences on term work, term tests or final exams, the sanction recommended is not less than twice the value of the exam, work or test.
2. For submitting work, where it forms a major fraction of the course, in whole from another person, the sanction recommended shall be suspension from the University for at least two years.

3. Where a student has been previously convicted under the Code and commits another offence, the recommended sanction shall be from suspension for two years to expulsion from the University.
4. For offences related to damaging or misusing library materials, computer equipment or other facilities the recommended sanctions shall be a monetary fine and/or denial of privileges to use the facility involved.
5. For submitting purchased work, the sanction recommended shall be expulsion from the University. The minimum sanction shall be suspension from the University for a period of time and zero as the final grade where the offence occurred.
6. For personating, or having an individual personate on a test or examination, the recommended sanction shall be expulsion from the University.

University of Waterloo

Policy 33

Ethical Behaviour

Last Updated: May 31, 1999
Class: FS

I. General Principles

The University is an autonomous community which exists to further the pursuit and dissemination of knowledge and understanding through scholarship and teaching. The University aims to ensure an environment of tolerance and respect and believes that the right of individuals to advance their views openly must be upheld throughout the University. The realization of these intentions requires respect for the following general principles:

- That each member of the University endeavour to contribute to the existence of a just and supportive community based on equality and respect for individual differences.
- That the University of Waterloo is committed to providing an environment which supports and rewards its members on the basis of such relevant factors as work performance and achievement. Harassment, discrimination and the abuse of supervisory authority, for example, are inimical to this environment. Further, as required by the Ontario Human Rights Code, the University has a responsibility to provide an environment free from harassment and discrimination, and accordingly must deal effectively, quickly and fairly with any situation involving claims of harassment or discrimination that come to its attention.
- That services, benefits, opportunities, and facilities offered by the University be compatible with its purposes and be provided to all persons in the University community with the relevant qualifications. Thus, such provisions shall not be denied wholly or partly on irrelevant or prohibited grounds.

[Note: Under the Ontario Human Rights Code, a person has the right to equal treatment in a number of areas (i.e., services, goods and facilities, accommodation/housing employment, contracts, membership in trade unions and vocational associations), free from discrimination based on the following prohibited grounds: race; ancestry; place of origin; colour; ethnic origin; citizenship; creed/religion; sex; sexual orientation; age; record of offences; marital status; same-sex partnership status; family status; receipt of public assistance; mental or physical handicap.]

- That the University supports academic freedom [*Ref: Memorandum of Agreement (Article 6) between FAUW and the University of Waterloo*], which carries with it the duty to use that freedom in a manner consistent with the scholarly obligation to base teaching and research on an honest and ethical quest for knowledge.

The academic environment which fosters free debate may from time to time include the presentation or discussion of unpopular opinions or controversial material. Such material shall be dealt with as openly, respectfully and sensitively as possible.

- That no member of the University community (faculty, staff, student) unduly interfere with the study, work or working environment of other members of the University or any aspect of another's University activity. This shall be taken to apply to the campus of the University and to official off-campus functions of the University, such as course- or program-related field trips and co-op employment.
- That those with supervisory authority (academic or employment) use such authority, both on campus and off, solely for the purposes explicitly stated or implied in University policies and with regard to the overall aims and purposes of the University.

III. Specific Principles: Human Rights

Without limiting the generality of Section I above, the following shall be taken as violations of this policy, and may also be in contravention of the Ontario Human Rights Code:

- ***Discrimination*** is defined as any action or behaviour that results in adverse or preferential treatment related to those grounds prohibited under the Ontario Human Rights Code.
- ***Harassment*** is defined as engaging in a course of vexatious comment or conduct that is known, or ought reasonably to be known, to be unwelcome.
- ***Sexual Harassment*** includes comment or conduct where acceptance of sexual advances is a condition of education or employment, or where rejection of sexual advances negatively impacts decisions that concern the recipient (e.g., grades, performance evaluation or any academic or employment decisions) or where unwelcome sexual advances, comment, conduct or communications interfere with the recipient's work or study.
- A ***'poisoned environment'*** (or one that is intimidating, hostile or offensive) can be created based on any of the prohibited grounds under the Ontario Human Rights Code, and can be described as comment or conduct that is contrary to the aims of maintaining a supportive, respectful and tolerant environment.

It is recognized that harassment is often context-dependent and that, while sexual harassment typically takes place in a situation of power differential between the persons involved, it may occur between peers.

III. Violations, Redress

Members of the University community have the right to lodge complaints and to participate in proceedings without reprisal or threat of reprisal for so doing. Those with supervisory authority (academic or employment) are expected to be proactive in promoting respect for the general principles articulated in Section I and, with assistance and guidance from the Office of Ethical Behaviour and Human Rights (OEBHR), are responsible for dealing with alleged violations of those principles. Such authority shall be taken to include permanent, temporary or delegated supervision of any faculty or staff member or student.

Those who receive complaints or who perceive what they believe to be violations of this policy shall act promptly to notify an appropriate administrative officer, normally one's immediate supervisor, the department Head, Chair or Director, to provide or initiate the appropriate remedial or disciplinary measures. If the complaint pertains to that individual, it should be directed to the next administrative level (Dean, Associate Provost, Vice-President). Those dealing with alleged violations of this policy shall be guided by principles of fairness and natural justice. Complaints that are found after investigation to be of a frivolous and/or vexatious nature will not be pursued.

Disciplinary measures resulting from alleged infringements of this policy may be appealed under the grievance processes for staff (Policy 36), students (Policies 70/71), faculty (Article 9 of the Memorandum of Agreement). Members of CUPE 793 should refer to Article 15 of their Collective Agreement.

Individuals who believe they have been treated in violation of the Ontario Human Rights Code have the right to proceed directly to the Ontario Human Rights Commission. If taken, such a step does not relieve or alter UW's responsibility to take appropriate administrative action to address the alleged violation.

[Note: Complainants may find it helpful to consult the University Secretariat (Needles Hall) or refer to organization charts on its website (www.adm.uwaterloo.ca/infosec/orgcharts/orgindex.htm) for assistance in identifying the immediate supervisor of a particular individual. Regarding courses taught at, or programs, facilities and residences administered by the Federated & Affiliated Colleges, faculty, staff and students should consult the individual designated by the appropriate College.]

IV. Advice and Support

Any member of the University community who has reason to believe that he/she has been treated in violation of a principle stated in this policy is urged to contact one of the primary on-campus resources identified below for information or advice.

Office of Ethical Behaviour & Human Rights. The OEBHR serves as the focal point and primary resource to all members of the University community on matters involving ethical behaviour and human rights issues. That Office sponsors the University Conflict Resolution Support Program, comprised of the:

- Resolution Support Program (RSP), which provides one-on-one support and advice by trained volunteers to those considering or initiating a complaint under UW policies;
- Conflict Intervention Program (CIP), whose members work with parties to a dispute, in an attempt to mediate and resolve problems informally and as close to source as possible.

University Police Services. In situations involving unwanted touching or aggressive and threatening behaviour, complainants are strongly advised to consider contacting UW Police Services (ext 4911; Commissary), preferably at the outset.

A person of responsibility (e.g., Head, Chair or Director) within one's own department or school.

Members of the University community may also wish to consult the organizations that represent their interests: the Faculty Association; the Staff Association; CUPE Local 793; the Federation of Students; the Graduate Student Association. A comprehensive list of on-campus resources, including contact names, locations and telephone numbers, is available from the University Secretariat and posted on the OEBHR website (www.adm.uwaterloo.ca/infoebhr).

APPENDIX B - Ethical Principles in University Teaching

Society for Teaching and Learning in Higher Education

Ethical Principles in University Teaching

Preamble

The purpose of this document is to provide a set of basic ethical principles that define the professional responsibilities of university professors in their role as teachers. Ethical principles are conceptualized here as general guidelines, ideals, or expectations that need to be taken into account, along with other relevant conditions and circumstances, in the design and analysis of university teaching. The intent of this document is not to provide a list of ironclad rules, or a systematic code of conduct, along with prescribed penalties for infractions, that will automatically apply in all situations and govern all eventualities. Similarly, the intent is not to contradict the concept of academic freedom, but rather to describe ways in which academic freedom can be exercised in a responsible manner. Finally, the present document is intended only as a first approximation, or as 'food for thought', not necessarily as a final product that is ready for adoption in the absence of discussion and consideration of local needs.

Ethical Principles in University Teaching was developed by the Society for Teaching and Learning in Higher Education, and is endorsed by the winners of the national 3M teaching award whose names appear on the cover page. The document was created by individuals actively involved in university teaching, and will be distributed to university professors across Canada with the support of 3M Canada. The Society for Teaching and Learning in Higher Education (STLHE) believes that implementation of an ethical code similar to that described herein will be advantageous to university teachers (e.g., in removing ambiguity concerning teaching responsibilities); and will contribute significantly to improvement of teaching. For these reasons, STLHE recommends that the document be discussed thoroughly at Canadian universities, with input from professors, students, and administrators, and that universities consider adopting or implementing ethical principles of teaching similar to those described in this document.

Principle 1: Content Competence

A university teacher maintains a high level of subject matter knowledge and ensures that course content is current, accurate, representative, and appropriate to the position of the course within the student's program of studies.

This principle means that a teacher is responsible for maintaining (or acquiring) subject matter competence not only in areas of personal interest but in all areas relevant to course goals or objectives. Appropriateness of course content implies that what is actually taught in the course is consistent with stated course objectives and prepares students adequately for subsequent courses for which the present course is a prerequisite. Representativeness

of course content implies that for topics involving difference of opinion or interpretation, representative points of view are acknowledged and placed in perspective.

Achievement of content competence requires that the teacher take active steps to be up-to-date in content areas relevant to his or her courses; to be informed of the content of prerequisite courses and of courses for which the teacher's course is prerequisite; and to provide adequate representation of important topic areas and points of view.

Specific examples of failure to fulfil the principle of content competence occur when an instructor teaches subjects for which she or he has an insufficient knowledge base, when an instructor misinterprets research evidence to support a theory or social policy favored by the instructor, or when an instructor responsible for a prerequisite survey course teaches only those topics in which the instructor has a personal interest.

Principle 2: Pedagogical Competence

A pedagogically competent teacher communicates the objectives of the course to students, is aware of alternative instructional methods or strategies, and selects methods of instruction that, according to research evidence (including personal or self-reflective research), are effective in helping students to achieve the course objectives.

This principle implies that, in addition to knowing the subject matter, a teacher has adequate pedagogical knowledge and skills, including communication of objectives, selection of effective instructional methods, providing opportunity for practice and feedback, and dealing with student diversity. If mastery of a certain skill (e.g., critical analysis, design of experiments) is part of the course objectives and will be considered in evaluation and grading of students, the teacher provides students with adequate opportunity to practice and receive feedback on that skill during the course. If learning styles differ significantly for different students or groups of students, the teacher is aware of these differences and, if feasible, varies her or his style of teaching accordingly.

To maintain pedagogical competence, an instructor takes active steps to stay current regarding teaching strategies that will help students learn relevant knowledge and skills and will provide equal educational opportunity for diverse groups. This might involve reading general or discipline-specific educational literature, attending workshops and conferences, or experimentation with alternative methods of teaching a given course or a specific group of students.

Specific examples of failure to fulfil the principle of pedagogical competence include using an instructional method or assessment method that is incongruent with the stated course objectives (e.g., using exams consisting solely of fact-memorization questions when the main objective of the course is to teach problem-solving skills); and

failing to give students adequate opportunity to practice or learn skills that are included in the course objectives and will be tested on the final exam.

Principle 3: Dealing With Sensitive Topics

Topics that students are likely to find sensitive or discomfoting are dealt with in an open, honest, and positive way.

Among other things, this principle means that the teacher acknowledges from the outset that a particular topic is sensitive, and explains why it is necessary to include it in the course syllabus. Also, the teacher identifies his or her own perspective on the issue and compares it to alternative approaches or interpretations, thereby providing students with an understanding of the complexity of the issue and the difficulty of achieving a single "objective" conclusion. Finally, in order to provide a safe and open environment for class discussion, the teacher invites all students to state their position on the issue, sets ground rules for discussion, is respectful of students even when it is necessary to disagree, and encourages students to be respectful of one another.

As one example of a sensitive topic, analysis of certain poems written by John Donne can cause distress among students who perceive racial slurs embedded in the professor's interpretation, particularly if the latter is presented as the authoritative reading of the poem. As a result, some students may view the class as closed and exclusive rather than open and inclusive. A reasonable option is for the professor's analysis of the poem to be followed by an open class discussion of other possible interpretations and the pros and cons of each.

Another example of a sensitive topic occurs when a film depicting scenes of child abuse is shown, without forewarning, in a developmental psychology class. Assuming that such a film has a valid pedagogical role, student distress and discomfort can be minimized by warning students in advance of the content of the film, explaining why it is included in the curriculum, and providing opportunities for students to discuss their reactions to the film.

Principle 4: Student Development

The overriding responsibility of the teacher is to contribute to the intellectual development of the student, at least in the context of the teacher's own area of expertise, and to avoid actions such as exploitation and discrimination that detract from student development.

According to this principle, the teacher's most basic responsibility is to design instruction that facilitates learning and encourages autonomy and independent thinking in students, to treat students with respect and dignity, and to avoid actions that detract

unjustifiably from student development. Failure to take responsibility for student development occurs when a teacher comes to class under-prepared, fails to design effective instruction, coerces students to adopt a particular value or point of view, or fails to discuss alternative theoretical interpretations (see also Principles 1, 2, and 3).

Less obvious examples of failure to take responsibility for student development can arise when teachers ignore the power differential between themselves and students and behave in ways that exploit or denigrate students. Such behaviors include sexual or racial discrimination; derogatory comments toward students; taking primary or sole authorship of a publication reporting research conceptualized, designed, and conducted by a student collaborator; failure to acknowledge academic or intellectual debts to students; and assigning research work to students that serves the ends of the teacher but is unrelated to the educational goals of the course.

In some cases, the teacher's responsibility to contribute to student development can come into conflict with responsibilities to other agencies, such as the university, the academic discipline, or society as a whole. This can happen, for example, when a marginal student requests a letter of reference in support of advanced education, or when a student with learning disabilities requests accommodations that require modification of normal grading standards or graduation requirements. There are no hard and fast rules that govern situations such as these. The teacher must weigh all conflicting responsibilities, possibly consult with other individuals, and come to a reasoned decision.

Principle 5: Dual Relationships With Students

To avoid conflict of interest, a teacher does not enter into dual-role relationships with students that are likely to detract from student development or lead to actual or perceived favoritism on the part of the teacher.

This principle means that it is the responsibility of the teacher to keep relationships with students focused on pedagogical goals and academic requirements. The most obvious example of a dual relationship that is likely to impair teacher objectivity and/or detract from student development is any form of sexual or close personal relationship with a current student. Other potentially problematic dual relationships include: accepting a teaching (or grading) role with respect to a member of one's immediate family, a close friend, or an individual who is also a client, patient, or business partner; excessive socializing with students outside of class, either individually or as a group; lending money to or borrowing money from students; giving gifts to or accepting gifts from students; and introducing a course requirement that students participate in a political movement advocated by the instructor. Even if the teacher believes that she or he is maintaining objectivity in situations such as these, the perception of favoritism on the part of other students is as educationally disastrous as actual favoritism or unfairness.

If a teacher does become involved in a dual relationship with a student, despite efforts to the contrary, it is the responsibility of the teacher to notify his or her supervisor of the situation as soon as possible, so that alternative arrangements can be made for supervision or evaluation of the student.

Although there are definite pedagogical benefits to establishing good rapport with students and interacting with students both inside and outside the classroom, there are also serious risks of exploitation, compromise of academic standards, and harm to student development. It is the responsibility of the teacher to prevent these risks from materializing into real or perceived conflicts of interest.

Principle 6: Confidentiality

Student grades, attendance records, and private communications are treated as confidential materials, and are released only with student consent, or for legitimate academic purposes, or if there are reasonable grounds for believing that releasing such information will be beneficial to the student or will prevent harm to others.

This principle suggests that students are entitled to the same level of confidentiality in their relationships with teachers as would exist in a lawyer-client or doctor-patient relationship. Violation of confidentiality in the teacher-student relationship can cause students to distrust teachers and to show decreased academic motivation. Whatever rules or policies are followed with respect to confidentiality of student records, these should be disclosed in full to students at the beginning of the academic term.

It could be argued that in the absence of adequate grounds (i.e., student consent, legitimate purpose, or benefit to student) any of the following could be construed as a violation of confidentiality: providing student academic records to a potential employer, researcher, or private investigator; discussing a student's grades or academic problems with another faculty member; and using privately communicated student experiences as teaching or research materials. Similarly, leaving graded student papers or exams in a pile outside one's office makes it possible for any student to determine any other student's grade and thus fails to protect the confidentiality of individual student grades. This problem can be avoided by having students pick up their papers individually during office hours, or by returning papers with no grade or identifying information or grade visible on the cover page.

Principle 7: Respect For Colleagues

A university teacher respects the dignity of her or his colleagues and works cooperatively with colleagues in the interest of fostering student development.

This principle means that in interactions among colleagues with respect to teaching, the overriding concern is the development of students. Disagreements between colleagues relating to teaching are settled privately, if possible, with no harm to student development. If a teacher suspects that a colleague has shown incompetence or ethical violations in teaching, the teacher takes responsibility for investigating the matter thoroughly and consulting privately with the colleague before taking further action.

A specific example of failure to show respect for colleagues occurs when a teacher makes unwarranted derogatory comments in the classroom about the competence of another teacher...for example, Professor A tells students that information provided to them last year by Professor B is of no use and will be replaced by information from Professor A in the course at hand. Other examples of failure to uphold this principle would be for a curriculum committee to refuse to require courses in other departments that compete with their own department for student enrolment; or for Professor X to refuse a student permission to take a course from Professor Y, who is disliked by Professor X, even though the course would be useful to the student.

Principle 8: Valid Assessment Of Students

Given the importance of assessment of student performance in university teaching and in students' lives and careers, instructors are responsible for taking adequate steps to ensure that assessment of students is valid, open, fair, and congruent with course objectives.

This principle means that the teacher is aware of research (including personal or self-reflective research) on the advantages and disadvantages of alternative methods of assessment, and based on this knowledge, the teacher selects assessment techniques that are consistent with the objectives of the course and at the same time are as reliable and valid as possible. Furthermore, assessment procedures and grading standards are communicated clearly to students at the beginning of the course, and except in rare circumstances, there is no deviation from the announced procedures. Student exams, papers, and assignments are graded carefully and fairly through the use of a rational marking system that can be communicated to students. By means appropriate for the size of the class, students are provided with prompt and accurate feedback on their performance at regular intervals throughout the course, an explanation as to how their work was graded, and constructive suggestions as to how to improve their standing in the course. In a similar vein, teachers are fair and objective in writing letters of reference for students.

One example of an ethically questionable assessment practice is to grade students on skills that were not part of the announced course objectives and/or were not allocated adequate practice opportunity during the course. If students are expected to demonstrate critical inquiry skills on the final exam, they should have been given the opportunity to develop critical inquiry skills during the course. Another violation of valid assessment occurs when faculty members teaching two different sections of the same course use

drastically different assessment procedures or grading standards, such that the same level of student performance earns significantly different final grades in the two sections.

Principle 9: Respect for Institution

In the interests of student development, a university teacher is aware of and respects the educational goals, policies, and standards of the institution in which he or she teaches.

This principle implies that a teacher shares a collective responsibility to work for the good of the university as a whole, to uphold the educational goals and standards of the university, and to abide by university policies and regulations pertaining to the education of students.

Specific examples of failure to uphold the principle of respect for institution include engaging in excessive work activity outside the university that conflicts with university teaching responsibilities; and being unaware of or ignoring valid university regulations on provision of course outlines, scheduling of exams, or academic misconduct.

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Published by:

Society for Teaching and Learning in Higher Education

La Société pour l'avancement de la pédagogie dans l'enseignement supérieur (SAPES)

University of British Columbia

Centre for Teaching and Academic Growth