

W Committee

# academic offenses



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ave sought to do in Section 2(2), 2(3)  
and 2(5).  
c) The committee was of the view  
that the sanctions listed in Sections 2(2)  
and 2(3) fairly represent the sanctions  
that would most likely be used in any  
given case. Nonetheless it was recogniz-  
ed that some degree of flexibility would  
be desirable and it is for this reason the  
committee recommends the adoption of  
Section 2(5).  
(1) Where an alleged offence does not  
relate to a particular course or programs,  
the matter shall be considered by the  
Dean or his delegate of the faculty in  
which the student is registered.  
Note: See section 5 for an elaboration of  
the role contemplated for the Dean.  
(2) Where the offence does not relate to  
a particular course or program the Dean  
or his delegate shall have the same  
powers and duties as the instructor as  
provided in Section 2.  
Note: This provision would apply to  
offences such as forging transcripts or  
medical certificates or changing faculty  
records in order to obtain an academic  
advantage.  
(1) A student may appeal the decision  
of his instructor or supervisor or the  
Dean or his delegate of the faculty in  
which he is registered. The appeal may  
be based upon a denial of the commis-  
sion of the offence or may relate to the  
severity of the sanction imposed, or  
both.  
(2) The Dean or his delegate shall  
consider the matter *de novo*.  
(3) Within the prescribed limits the  
Dean or his delegate may confirm or vary  
a sanction under Section 2(2) and  
confirm or vary any recommendation of  
a sanction under Section 2(3).  
(4) The Dean or his delegate may seek  
approval to impose or recommend a  
sanction not listed in Sections 2(2) and  
2(3) as in accordance with Section 2(5).  
Note: The committee recommends that  
in the case of departmentalized faculty  
the Dean delegate his duties to the head  
of the department in which the student is  
registered. It is suggested that the  
department head form a committee of  
three — himself, one faculty member  
and one student — to deal with the  
appeal.  
In the case of non-departmentalized  
faculties the committee suggests that  
the Dean himself form a similar com-  
mittee to deal with offences under  
Section 5(1).  
(1) A student may appeal the decision  
of his faculty. The appeal may be based  
upon the denial of the commission of the  
offence or relate to the severity of the  
sentence or both.  
(2) (a) Where the appellant denies the

academic dishonesty. However, the  
committee is of the view that the  
disciplinary function of a faculty and  
its members ought to be clearly and  
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Section 5(1).  
(1) A student may appeal the decision  
of his faculty. The appeal may be based  
upon the denial of the commission of the  
offence or relate to the severity of the  
sentence or both.  
(2) (a) Where the appellant denies the

commission of the offence he shall  
appeal to the University Disciplinary  
Appeal Panel.  
(b) The University Disciplinary  
Panel shall consider the appeal *de novo*.  
(c) The University Disciplinary Panel  
shall be composed of two students and  
one academic staff member drawn  
from outside the faculty in which the  
appellant is registered.  
(3) (a) Where the appellant contests  
the severity of sentence he shall appeal  
to the University Disciplinary Appeal  
Panel.  
(b) Where the faculty has  
recommended a sanction under Section  
2(3) the University Disciplinary Appeal  
Panel shall review the case.  
(c) The University Disciplinary  
Appeal Panel may reject, confirm or vary  
a sanction under Section 2(2) and/or  
impose the recommended sanction  
under Section 2(3) or reject it or vary it.  
(d) The University Disciplinary  
Appeal Panel may seek approval to  
impose sanctions not listed in Sections  
2(2) or 2(3) as in accordance with  
Section 2(5).  
Note: a) This section introduces the  
concept of reviewability of faculty  
decisions relating to academic offences.  
Under the present system faculty  
proceedings against students for  
academic dishonesty are considered  
independent of University proceedings.  
The student is dealt with at two levels in  
two proceedings for precisely the same  
act. The problems with this are twofold.  
1. In theory the two proceedings  
may arrive at conflicting decisions. A  
faculty may conclude a student has in  
fact committed an offence and impose a  
sanction. In respect to the same  
allegations the University may conclude  
the student has not committed the  
alleged offence.  
2. There is no appearance of impar-  
tiality when a final determination is made  
by a faculty in respect to proceedings  
which in most cases have been initiated  
by a faculty member.  
The reviewability of the faculty  
decision overcomes these problems.  
Since there will only be one final  
determination the intolerable possibility  
of conflict of final determination by a  
faculty of the University and the Univer-  
sity itself is removed. As well, a student  
who feels aggrieved with the decision of  
his faculty will have a right to have his  
case reviewed by an impartial body.  
b) It may be noticed that nowhere in  
the proposed procedures is there provi-  
sion for an appeal by an instructor or  
supervisor or a faculty. This is a function  
of the benefit of the doubt concept  
operating in favour of the students. It is  
felt that if at any level of consideration,  
instructor, faculty, University Dis-  
ciplinary Panel, etc., the conclusion is  
that no offence had been committed, or  
that a particularly light sanction is

appropriate when an offence has been  
committed, then the proceedings should  
end. This is also thought to be consistent  
with the role that the University, its  
faculty, and its instructors ought to play  
in disciplinary proceedings. The Univer-  
sity's faculties and instructors ought not  
to take on the role of adversaries in a  
disciplinary proceeding interested in  
successfully prosecuting the accused  
student. Rather their role should simply  
be to present the facts, leaving it to other  
bodies within the University to judge.  
7. (1) "Any student may appeal the  
decision of the University Disciplinary  
Panel as to the commission of the  
offence or the severity of sentence or  
both, to the University Appeal Board."  
7. (2) The General University Appeal  
Board may reject, confirm or vary a  
sanction under Section 2(2) and/or  
impose the recommended sanction  
under Section 2(3) or reject it or vary it.  
u. (3) The General University Appeal  
Board may seek approval to impose  
sanctions not listed in Sections 2(2) or  
2(3) as in accordance with Section 2(5).  
Note: a) These procedures do not create  
a mechanism which would allow a  
student to appeal a decision of the  
University Appeal Board. These  
procedures contemplate the Board's  
decision either as to the commission of  
the offence or the sanction imposed be  
final. However, pursuant to Section  
39(1) (a) of the Universities Act R.S.A.  
1970 c. 378, a student may appeal any  
decision of the University Appeal Board  
to the Board of Governors. However, it  
has been suggested that the Board of  
Governors has expressly delegated its  
authority in these matters to the Univer-

sities Appeal Board. Such a delegation  
seems to be authorized by Section 43(1)  
(c) of the Universities Act. This section  
provides:  
any body constituted or con-  
tinued by or under this Act may delegate  
any of its powers, duties and functions  
under this Act as it sees fit and may  
prescribe conditions governing the  
exercise of any delegates power, duty or  
function, including the power of sub-  
delegation.  
b) It should also be noted that in  
theory any student who has exhausted  
the appeal structure by pursuing matters  
up to the Board of Governors may  
petition General Faculties Council  
and/or the Board of Governors in  
respect to any disciplinary decisions  
that have been made. The authority for  
this extraordinary procedure is Section  
42(2) of the Universities Act R.S.A. 1970  
c. 378.  
8. To the extent that the procedures  
governing the University Disciplinary  
Panels and the University Appeal Board  
are not inconsistent with the procedures  
regulating Disciplinary Actions for  
Academic Offences, they shall apply  
*mutatis mutandis* to such disciplinary  
actions.  
Note: This provision is designed to make  
applicable and take advantage of many  
of the machinery provisions in the  
procedures governing University Dis-  
ciplinary Panels and the University  
Appeal Board. Without such a provision  
the above outlined procedures would  
have to be fleshed out substantially by  
including a definition section, a section  
governing the procedure to be followed  
by the disciplinary panel itself, etc.



by Leo Donlevy

Experiments involving  
animals are perhaps the most  
carefully safeguarded ex-  
periments at the U of A.  
According to Dr. D. McKay of  
the Biological Sciences Animal  
Centre, which supplies animals  
for the biological sciences,  
zoology and psychology, any  
experiment that would unduly  
discomfort or harm an animal  
must be referred to the faculty  
council or the university Animal  
Welfare Committee for approval.  
The care and treatment of  
animals on campus is the respon-  
sibility of the Animal Policy  
Committee and the Animal  
Welfare Committee, both headed  
by Dr. Jean Lauber. These com-  
mittee are composed of seven  
members each, two of whom  
have no connection with any  
department involved in ex-  
periments using animals. The  
Animal Welfare Committee is  
required by law under Section 50  
of the Universities Act.  
It was enacted in 1966 to  
ensure proper and humane treat-

ment be given to animals, and to  
dispel any misconceptions about  
inhumane experiments. As well,  
facilities are inspected twice  
yearly by a provincial Inspector.  
Standards for animal care  
and treatment are set by the  
Canadian Council on Animal  
Care, a national advisory board.  
However, aside from the provin-  
cial inspection, the actual policy  
for care and treatment of animals  
is left up to the university.  
The university has two cen-  
tres for animals on campus: the  
Health Sciences Animal Centre,  
headed by Dr. D.C. Secord, and  
the Biological Sciences Animal  
Centre headed by Dr. D. McKay.  
These centres maintain breeding  
colonies for the more common  
animals such as mice, rabbits,  
and rats, and secure any special  
or unusual animals from animal  
supply houses or the Department  
of Fish and Wildlife.  
All animals require a permit  
from the Department and accord-  
ing to University policy, no  
animals are resold to other in-  
stitutions.  
Besides the on-campus  
facilities, the university operates  
the university farm, the Eilerslie  
Research Station, and a ranch at  
Kinsella. Each of these facilities  
is subject to the same stringent  
standards.  
The actual experiments be-  
ing conducted range from cattle  
breeding with the 400 head herd  
at Kinsella, to the proverbial mice  
in a maze. Animals involved  
range from salamanders to  
monkeys to deer, depending on  
the department. The total  
number of animals under the  
control of the university is almost  
impossible to estimate, however  
the number is in the tens of  
thousands, according to a un-  
iversity source.  
Experiments with mice call  
to mind the story of the mouse  
boasting to his friend in the next  
cage: "I've got Prof. Smedley well  
trained — every time I push this  
button he brings me some food."