

# U of A Code of Student Behavior concluded from last week.

## 4. Panel Hearing Procedures

The procedures to be followed by a University Disciplinary Panel shall be as the Panel decides subject to the following:

- The student against whom the complaint is lodged, and the complainant, may present their own cases. Each party may be accompanied or represented by an advisor.
- If the person who lodged the complaint fails, without reasonable justification, to attend or send a representative, the Panel shall refuse to consider the case.
- Hearings before University Disciplinary Panels are open to members of the University community unless the Panel agrees to a closed hearing upon petition from either party who may claim liability to injury by undue publicity. Upon receipt of such petition the Panel shall, prior to hearing any evidence, decide whether sufficient grounds exist for closing the hearing.
- If the complaint has already been considered and resolved by any other University body or official, the Panel may not proceed with the case. If legal proceedings are pending on related charges, the student may ask the Panel to defer the hearing. The Panel shall consider the circumstances of the case and reach a decision accordingly.
- Where the complaint is one which could result in suspension or expulsion, the Chairman must notify the student. The Chairman must warn the student that he/she is not required to testify and that if the student chooses to testify then the student's answers may not be used against him or her in other proceedings. Unless this warning is given, no penalty of suspension or expulsion will be valid. All witnesses must be warned of this right.
- Both parties to the case, and the Panel Members, may cross-examine any witnesses who have been asked to speak.
- The Panel, having considered all the information placed before it, shall decide by majority vote as to whether University rules were broken and, if so, what penalty, as listed in the Code, would be appropriate. When considering what would be an appropriate penalty, the Panel shall take into consideration the disciplinary record, if any, of the student against whom the complaint is made.

The Discipline Officer is authorized to participate in the deliberations of disciplinary panels if requested to do so by a panel. In such cases, all parties shall be invited to be present during those consultations. These discussions should relate to procedural questions only.

A defect in the procedures leading to the hearing by the Panel shall not invalidate a complaint against a student unless the defect complained of can reasonably be said to have deprived the student of a fair hearing.

- Upon the conclusion of the hearing, the Panel shall prepare a brief summary of the evidence and arguments presented to it, to which shall be added the decision of the Panel including the penalty of the reasons for the decision. The summary and decision shall be signed and delivered within seven (7) days of the conclusion of the hearing to the Discipline Officer, who shall communicate the same to both parties.
- Upon receipt of the above Report, the Discipline Officer shall send a copy to both parties. If a penalty has been imposed the Officer shall advise the student of the right to appeal and shall forward a copy of the University Appeal Board procedures.
- A tape recording of the hearing shall be kept until all avenues of appeal within the University are exhausted or for the period of one year, whichever is longer.
- Records of proceedings before a University Disciplinary Panel are not public documents.
- Fines will normally be payable within thirty (30) days of the Panel's decision unless a notice of appeal has been received. Other penalties become effective immediately.
- The Discipline Officer may release general details of cases decided by disciplinary panels. No details shall be released until all avenues of appeal are exhausted.

## 5. Initiation of Appeals

- Either party to a case before a University Disciplinary Panel who has reason to be aggrieved by the decision of the Panel may appeal the decision by submitting a notice of appeal in writing to the discipline Officer. Such notice must be delivered to the Officer no later than thirty (30) days after receipt of the decision of the University Disciplinary Panel. The Board may, at its discretion, accept an appeal after the expiry of the thirty days.
- The notice of appeal must be in writing, signed by the appellant, and must state the grounds of appeal. If the appellant intends to be represented at the appeal hearing by legal counsel, he/she must so notify the Discipline Officer at the time of lodging the appeal.
- The Discipline Officer shall notify both parties of the date, time and place of the appeal hearing, which shall be at least ten (10) days but no longer than one hundred and twenty (120) days following receipt of notice of appeal. Each party shall receive a copy of the submission made to the Appeal Board by the other party.
- The Discipline Officer shall appoint the Appeal Board and provide its members with:
  - the date, time and place of the Appeal Hearing;
  - the letter of appeal and any submission from the respondent;
  - the written report of the Panel Chairman.
- Distribution of notices shall be conducted in the same manner as for a University Disciplinary Panel.
- Upon receiving notice of appeal, the Discipline Officer, in cases on expulsion or suspension, shall direct the Registrar to withhold degrees, certification of marks and/or transcripts or records pending the outcome of the appeal. Any other penalties imposed by a Panel shall be suspended upon receipt by the Officer of notice of appeal.

## 6. Establishment of a University Appeal Board

- University Appeal Boards shall be set up as required to hear and determine appeals against disciplinary decisions of University Disciplinary Panels, the Dean of Student Services, and Deans of Faculties. Such University Appeal Boards, as designates of General Faculties Council and the Board of Governors, shall have authority to confirm, vary or quash penalties imposed by any one of the above-mentioned three bodies or to order a new hearing by any one of the above-mentioned three bodies. University Appeal Boards shall also be set up as required to hear and determine appeals against decisions of Deans, as stated in Procedures for Academic Offences, Section 43.12.
- A University Appeal Board shall consist of three persons, of whom two shall be students, appointed by the Discipline Officer as in the case of University Disciplinary Panels. In an appeal from an academic offence, a panel shall comprise 3 persons, two of whom shall be students and one of whom shall be a faculty member from a Faculty other than a Faculty party to the dispute.
- The Chairman of the University Appeal Board shall be appointed by the Discipline Officer as in the case of University Disciplinary Panels but, where the students has informed the Officer of an intent to be represented by legal counsel, the Officer shall choose the Chairman from staff or senior students on the lists who are from the Faculty of Law.

## 7. Appeal Board Hearing Procedures

The procedures to be followed by a University Appeal Board shall be such as the Board decides subject to the following:

- The University Appeal Board shall make a preliminary determination as to whether the stated grounds of appeal disclose the existence of a *prima facie* case. If the Board decides there is no such case, the appellant will be so informed and given the opportunity to present arguments to the Board.
- Either party to a disciplinary appeal may, on application to the Discipline Officer, have access to a tape recording of the proceedings before the Disciplinary Panel.
- Information which could not have been made available to the Disciplinary Panel may be placed before the Appeal Board.
- It is the duty of the appellant to persuade the Board that the decision appealed from was unjustified in view of the information available to the Panel. A defect in procedures shall not warrant the quashing of the decision unless the defect complained of can reasonably be said to have deprived either party of a fair hearing.
- The Board shall consider the information available to the University Disciplinary Panel, hear the argument of both sides to the appeal and then, by majority vote, shall uphold or quash the decision

appealed from or order a new hearing. Where the appeal is upheld, the Board may uphold, vary or suspend the penalty imposed.

The Discipline Officer is authorized to participate in the deliberations of appeal boards if requested to do so by a board. In such cases, all parties shall be invited to be present during those consultations to talk about procedures.

- The Chairman of the Board shall report in writing to the Discipline Officer the decision of the Board.
- The Discipline Officer shall then send to both parties a copy of the Board's decision.
- The final appeal in student disciplinary matters shall lie with the University Appeal Board. A decision of a University Appeal Board shall be final and binding.

## 43.12 Procedures for Academic Offences

### 1. Initiation of Complaints

- Any person who believes that a student is guilty of an academic offence may initiate proceedings against the student.
- Where a person believes that a student has committed an academic offence in a particular course or program, that person may communicate the particulars of the time and place of the alleged offence and provide a brief summary of the conduct alleged to have been committed by the student to the student's instructor/supervisor. In academic cases where the alleged academic offence does not involve a specific course or program, the allegation of academic wrongdoing should be directed to the Dean of the appropriate Faculty. Where the matter is considered by the Dean (or designate), he or she shall have the same powers and duties as the instructor.

### 2. Procedures to be followed by Instructor/Supervisor

- The instructor/supervisor must review the alleged offence with the student.
- Where the instructor/supervisor believes that an offence has been committed, he or she may impose one or more of the following penalties:
  - Reprimand,
  - Additional work,
  - Grade reduction on the assignment,
  - Recommendation to the Dean of the Faculty in which the offence occurred that the student's registration in the course be cancelled.
- Any instructor or supervisor who imposes a penalty under Section 43.12.2(b) may also *recommend* to the Dean of the Faculty which offers the course suspension of expulsion from the University.
- Where an instructor or supervisor imposes a penalty under Section 43.12.1(b) or (c) he or she shall file with the Dean of the Faculty which offers the course and the Dean of the Faculty in which the students is registered a statement in writing setting out:
  - the particulars of the time and place of the alleged offence, and
  - a brief summary of the conduct alleged to have been committed by the student, and
  - a brief statement giving details of the penalty imposed under Section 43.12.2(b) or recommended under 43.12.2(c)
- Where an instructor/supervisor has recommended expulsion or suspension, the Dean (or designate) should alert and consult with the Dean of the Faculty in which the student is registered in regard to the situation concerning the student. The Dean shall review the recommendation and forward the recommendation to the Discipline Officer who shall set up a Disciplinary Panel to hear the case. Alternatively, the Dean may refuse to accept the recommendation of the instructor/supervisor.

### 3. Appeals against decision of Instructor/Supervisors

- A student may appeal the decision of an instructor/supervisor to the Dean (or designate) of the Faculty where the alleged dishonesty occurred. The appeal may be based upon a denial of the commission of the offence or may relate to the severity of the penalty imposed or both.
- The Dean (or designate) shall review the matter and within the prescribed limits the Dean (or designate) shall confirm or vary a penalty under Section 43.12.2(b) or shall recommend suspension or expulsion to a Disciplinary Panel.

### 4. Appeals from Decisions of the Dean

- A student may appeal the decision of the Dean to a University Appeal Board. The appeal shall be based upon the denial of the commission of the offence, or shall relate to the severity of the penalty, or both.
 

**NOTE** In the case of suspension of expulsion from the University, a Dean must so *recommend* to a Disciplinary Panel. The decision of the Disciplinary Panel may then be appealed to a University Appeal Board (see Section 43.11.6 of Academic Offences and Section 43.11.3 of Non-academic Offences).
- Any action under Section 43.12.2(c) will be dealt with prior to the hearing of an appeal of a penalty imposed under Section 43.12.2(b)
- Where the appellant denies the commission of the offence, the University Appeal Board shall consider the appeal and arrive at a decision.
- Where the appellant contests the severity of the penalty, the University Appeal Board shall review the case and may reject, confirm or vary the penalty imposed; **but shall not increase the penalty to expulsion or suspension where that has not been imposed by a academic unit.**

### 5. Application of Academic Offences of Procedures for Non-Academic Offences

All provisions in the procedures governing non-academic offences which are consistent with the procedures for academic offences may be applied in the case of academic offences.

- (GFC 26 OCT 1981)
- (BG 04 DEC 1981)
- (EXEC 07 JUN 1981)
- (GFC 29 APR 1985)
- (BG 07 JUN 1985)

## 43.13 General Provisions

### 1. Students' Records and Transcripts

Suspension imposed for disciplinary reasons shall appear on student records and transcripts until the suspension is lifted and in the case of expulsion, an entry shall appear on student records and transcripts for the full period of the expulsion.

- (GFC 24 FEB 1975)
- (GFC 26 OCT 1981)
- (BG 04 DEC 1981)
- (GFC 29 APR 1985)
- (BG 07 JUN 1985)

### 2. Disciplinary Problems in Programs Outside the Regular Winter, Spring and Summer Sessions

In the case of disciplinary problems with students in programs, given by the University which lie outside the regular Winter, Spring and Summer Session programs, GFC delegates to the Dean concerned the authority to take whatever action is deemed necessary. The student may appeal and Dean's decision to the Dean of Student Services whose decision shall be final and binding.

- See also Section 108.11
- (GFC 30 OCT 1978)
  - (GFC 26 OCT 1981)
  - (BG 04 DEC 1981)
  - (GFC 29 APR 1985)
  - (BG 07 JUN 1985)

### 3. Exclusion from Class for Disruptive Behavior

**Born in a small prairie town...captured by gypsies when he was a boy...raised by a pack of bikers...it's AL TURNER of the Edmonton Journal...or is it really?**

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