

43.8 AMENDMENT OF THE CODE

1. The Code may be amended by General Faculties Council in exercise of the authority vested in it by Section 42 of The Universities Act.
2. The Code must be published in each issue of the University Calendar and on at least one occasion annually in the Gateway.
3. Amendments to the Code shall come into force thirty (30) days after receiving the approval of General Faculties Council. All amendments must be published in Gateway, at least two weeks prior to the GFC meeting.
4. The Administrative Officer for Student Discipline Procedures shall maintain the Official Copy of the Code and all amendments thereto.

43.9 STUDENT DISCIPLINARY PROCEDURES**PREAMBLE**

The following are the procedures to be followed in the cases of allegations of academic and non-academic offences. Formal procedures described below are to be utilized when less formal conciliatory measures prove ineffective.

43.10 DEFINITIONS

In these procedures, the following words have the following meanings

- a) **Student:** A person who is registered as a student at the University whether or not for credit.
- b) **Complaint:** A written and signed statement as a result of which proceedings under these procedures may be instituted.
- c) **Academic Unit:** The Faculty concerned, except in departmentalized Faculties, in which case it will be the Department concerned.
- d) **Senior Student:** A third year or graduate student in the Faculty of Law
- 3) **Appellant:** Any person who appeals under these procedures.
- f) **Discipline Officer:** The Administrative Officer for Student Disciplinary Procedures, who is the person charged by the President with the implementation of these procedures.
- g) **Dean of Student Services:** Dean of Student Services or designate.
- h) **Member of the University Community:** Any registered student, academic staff or non-academic staff member.

43.11 PROCEDURES FOR NON-ACADEMIC OFFENCES**1. Initiation of Proceedings:**

- a) Any person who believes that a student has broken University rules, as defined by the Code of Student Behaviour, may initiate proceedings against the student.
- b) Where a person believes that a student has committed a non-academic offence that person may, by a signed statement (the complaint) delivered to the Director of Campus Security (or designate), request an investigation of the complaint. In the course of this investigation, the Director may consult the Discipline Officer.
- c) The complaint shall be a detailed written description of the incident. This shall include the time and place, person or persons involved, and all relevant information concerning the incident.
- d) The Director of Campus Security (or designate) may decline to lodge a complaint with the Discipline Officer under the following circumstances:
 - i. Where the complaint is primarily concerned with regulations of another official University organization, and the Director of Campus Security (or designate) believes that the complaint should be dealt with in accordance with procedures established by that organization.
 - ii. Where the Director of Campus Security (or designate) believes that no University rule has been broken.
 - iii. Where the Director of Campus Security (or designate) believes the complaint to be scandalous, frivolous or vexatious.
 - iv. Where an unreasonable time has elapsed since the incident.
 - v. Where the offence should be referred to the appropriate police or public authorities.

Where the Director of Campus Security (or designate) has declined to lodge a complaint, the complainant must be so notified and the reasons given. The person complaining may then appeal the Director of Campus Security's (or designate) decision to the Dean of Student Services.

- e) Having decided to lodge the complaint, the Director of Campus Security (or designate) shall contact the Discipline Officer and supply the Officer with the complaint. The Discipline Officer must review the alleged offence with the alleged offender and with the Director of Campus Security.
- f) During this review, the Discipline Officer shall determine whether the facts, as disclosed by the complaint, are in dispute, and whether the Director of Campus Security believes the offence to be such that suspension or expulsion would be appropriate as a penalty. Where the Discipline Officer determines that the facts are not in dispute, and that neither suspension nor expulsion are either requested or recommended penalties the matter may be referred to the Dean of Student Services (or designate). Where the Discipline Officer determines that the facts are in dispute and/or that either suspension or expulsion is the recommended penalty, the Discipline Officer shall establish a University Disciplinary Panel to hear the complaint.

2. Procedures to be Followed by the Dean of Student Services:

- a) The Dean of Student Services (or designate) shall have the authority, as a designate of General Faculties Council and the Board of Governors, to impose penalties as listed in the Code where the Dean believes these to be warranted.

- b) The Dean of Student Services (or designate) shall meet with the alleged offender, review the matter and decide what penalty, as listed in the

Code, would be appropriate. When considering what would be an appropriate penalty, the Dean of Student Services (or designate) shall take into account the disciplinary record, if any, or the student against whom the complaint is made.

- c) Having reached a decision, the Dean of Student Services (or designate) shall give a written report to the Discipline Officer. The report shall state what penalty is to be imposed upon the student, and the major circumstances taken into account in determining that penalty.
- d) Upon receipt of the above report, the Discipline Officer shall send a copy to the Student, the complainant, and the Director of Campus Security. 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.

3. Establishment of Panels:

- a) Having decided to accept the complaint and having determined that the facts as disclosed by the complaint are in dispute, and/or that suspension or expulsion are possible penalties, the Discipline Officer shall establish a University Disciplinary Panel to hear the complaint.
- b) University Disciplinary Panels may be set up as required in order to hear complaints against students who, and University groups which may have broken University rules as set out in this Code. Such Panels shall have the authority, as designates of General Faculties Council and the Board of Governors, to impose penalties as listed in the Code where they believe these to be warranted.
- c) A University Disciplinary panel for non-academic offences shall consist of three (3) persons, and to ensure peer judgement two (2) shall be students. In the case of academic offences the Panel shall consist of three (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.
- d) The Discipline Officer shall appoint students and/or staff to these panels from lists of students, academic staff and non-academic staff which have been approved by General Faculties Council for this purpose. The Discipline Officer shall attempt to select names from the lists in rotation as circumstances and availability of persons permits. The selected Panel Members should declare to the Discipline Officer their interests if any in the case to ensure objectivity and a fair hearing. The Discipline Officer may then reject selected Panel Members if a conflict of interest arises and select, in rotation, another member from the lists.
- e) The Discipline Officer shall, from the above-mentioned lists, and in the above manner, appoint one of the three Panel Members as Chairman. The Discipline Officer shall have the discretion to deviate from the order of the lists for the purpose of choosing a Chairman from the Faculty of Law.
- f) The Discipline Officer shall, at least fourteen (14) days prior to the date of the hearing, send a Notice of Complaint to the student which will contain the following information:
 - i. A copy of the letter of complaint.
 - ii. The University rule which appears to have been broken and the penalty attached to it.
 - iii. The date, time and place for the hearing of the complaint.
 - iv. The names of Panel Members and notification that either party may challenge the membership to the Discipline Officer at least seven (7) days prior to the hearing date.
 - v. A warning that the student should seek advice if a penalty of suspension or expulsion is possible.
 - vi. A list of on-campus sources of assistance.
 - vii. Advice that the student may submit a written statement which will be made available to the person who lodged the complaint and to member of the panel.
 - viii. a) Advice that the student should make every effort to appear at the hearing and may present his/her own case, and that the student and complainant may be accompanied or represented by an advisor and/or witness(es) who may speak.
b) Notification that the student shall inform the Discipline Officer at least three (3) working days prior to the hearing of the number of witnesses and whether or not the student and complainant will be accompanied or represented by an advisor.
 - ix. Notification that if the student does not appear, the Panel may hear the case in the student's absence.
- g) The Discipline Officer shall give to the person who lodged the complaint notice of the date, time and place of the hearing, together with a copy of any written submission from the student, and shall request that person's attendance at the hearing. The person who lodged the complaint shall inform the Discipline Officer at least three (3) working days prior to the hearing of the number of witnesses and/or advisors he/she plans to bring forward.
- h) The Discipline Officer shall appoint a Panel and give to its members notice of the date, time and place of the hearing, together with copies of all submissions which have been received.
- i) Notices may be hand-delivered or sent by mail. When sent by outside mail, they shall be sent by double-registered mail to the address which has been provided to the University or to the Discipline Officer. Notice may be deemed to have been effected one week following mailing to the last known address.

continued next week.

Gateway

Meetings every
Thursday in
Room 282 SUB
at 4 p.m.
Volunteers,
staff, new
people, old
people,
everyone
welcome.

We're choosing delegates to the Thanksgiving WRCUP conference today at 4 p.m. C'mon down to 282 SUB for details!