

**LAURENTIAN UNIVERSITY OF SUDBURY**

**CODE OF STUDENT RIGHTS AND RESPONSIBILITIES**

<b>Office of Administration</b>	Equity, Diversity and Human Rights Office
<b>Approval Authority</b>	Senate Board of Governors
<b>Approval Date</b>	<b>By Senate:</b> March 19, 2019 <b>By Board of Governors:</b> April 26, 2019
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1. Purpose:

1.1 The purpose of the Code of Student Rights and Responsibilities (“Code”) is to define the parameters of conduct considered to be consistent with the goals and values that promote the wellbeing of the Laurentian University of Sudbury’s (“University”) community.

2. Scope:

2.1 This Code applies to non-academic behavior of students, individually and collectively, in an academic setting, social setting, or recreational setting,

whether on or off campus.

- 2.2 This Code applies to all students including those studying off campus, online and where the University has formal partnerships, including St. Lawrence College.
- 2.3 Without limiting the generality of section 2.1, and for greater certainty, this Code applies to all students acting as a delegate or designated representative of the University, members of a class, exchange students studying at the University, students participating at a University sponsored event on or off campus, students who are at their place of work while on a University placement, and students participating in a cooperative education program, internship, or equivalent.
- 2.4 Any student found to have violated this Code is subject to the disciplinary sanctions of this Code, regardless of the action or inaction of civil authorities. Nothing in this Code precludes the University from referring an individual matter to the appropriate law enforcement agency before, during, or after a disciplinary action is taken by the University under this Code. A student may be subject to criminal prosecution and/or civil proceedings notwithstanding and in addition to, disciplinary action taken by the University against the student under this Code.

### 3. Definitions:

- 3.1 Agent: a person who provides advice, guidance, and/or moral support to a student being investigated under this Code. The agent is not a party to the hearing but may attend if requested by the student.
- 3.2 Appellant: a student who submits an appeal pursuant to a decision made under this Code.
- 3.3 Associate Vice-President, Learning and Teaching: the Associate Vice-President, Learning and Teaching or equivalent job title.
- 3.4 Class: a period of instruction in person, off campus or online such as a lecture, seminar, tutorial, laboratory session, recital, concert, placement, practicum, internship, or a sporting event.
- 3.5 Complainant: a person who files a complaint under this Code.
- 3.6 Faculty member: any full-time, part-time, or sessional faculty member employed by the University.

- 3.7 Federated Universities: Thorneloe University, University of Sudbury, and Huntington University.
- 3.8 Guest: any person who is visiting University Premises.
- 3.9 Hearing: a proceeding where evidence and arguments may be presented on allegations regarding a student's misconduct.
- 3.10 Manager, Student Rights and Responsibilities: the Manager, Student Rights and Responsibilities or equivalent jobtitle.
- 3.11 Misconduct: an action by a student that violates this Code.
- 3.12 Partners: post-secondary institutions with which the University has formal collaborative partnerships, such as those that have been in place with the Federated Universities and St Lawrence College.
- 3.13 Registrar and Secretary of Senate: University official who maintains students' personal and academic records.
- 3.14 Respondent: a student or a group of students against whom a complaint has been made under this Code.
- 3.15 Sanctions: measures imposed upon a student who has committed misconduct under this Code.
- 3.16 Student: Refers to an undergraduate, graduate, full-time, part-time, distance education student, auditor, exchange student, continuing student at the University, and includes a student who is at their place of work while on a University placement, or is participating in a cooperative education program, internship, or equivalent.
- 3.17 University Disciplinary Appeals Panel (UDAP): Refers to the Committee described in this Code that deals with any student's appeal of a decision made under this Code.
- 3.18 University Premises: Refers to buildings and lands owned, leased, operated, controlled, or supervised by the University and includes places or facilities on campus or off campus as well as technology platforms (includes, but is not limited to, Desire 2 Learn, Student Portal, Web Advisor) used for the provision of the University's courses, programs, or services or for University approved or sponsored events or activities.

3.19 Vice-President Academic and Provost: Refers to the Vice-President Academic and Provost or equivalent job title at the University.

In this document, words in the singular may, when the context so warrants, signify the plural.

4. Principles:

4.1 The University is committed to promoting and respecting academic freedom. The University shall act to safeguard this principle as long as it does not violate the provisions of this Code. Students have the right to express their views in a responsible, respectful, and ethical manner.

4.2 Whenever appropriate, the Manager, Student Rights and Responsibilities will encourage Informal Resolution of incidents.

4.3 Students are responsible for using the standard of conduct set out in this Code when using any electronic communication devices to send or post messages or material, including on social media.

4.4 The University is committed to procedural fairness in the application of this Code, ensuring that students are aware of their rights, are informed of any complaint against them including its nature and the details presented by the complainant, the deadlines, the identity of the complainant(s), the right to respond to the complaints, and the right to appeal a decision made in connection of this Code.

4.5 The Manager, Student Rights and Responsibilities has the authority to meet with University officials to gather information when dealing with a student matter related to this Code.

4.6 The Equity, Diversity and Human Rights Office shall report annually to the Senate summarizing the categories of misconduct, the range of sanctions imposed by the University, the number of appeals received by the UDAP, and the outcomes of the appeals.

5. Authority:

5.1. In 1983, the University's Board of Governors abrogated subsection 24(2) and section 25 of the Laurentian University of Sudbury Act (1960) which prescribed to the Board of Governors the authority to deal with student disciplinary matters. By Law 83-1 of the Board of Governors delegate its

authority for student disciplinary matters to the University's Senate.

- 5.2. The Manager, Student Rights and Responsibilities and the Associate Vice-President, Learning and Teaching have the authority to impose all sanctions under this Code with the exception of suspending or expelling students.
  - 5.3. The Vice-President, Academic and Provost has the authority to impose all sanctions under this Code.
6. Related Policies:
- 6.1 This policy is part of a tetralogy of Laurentian Policies that support learning and working places free from discrimination, harassment, sexual harassment, bullying, violence and sexual violence. Including:
    - 6.1.1 Policy on the Response and Prevention of Sexual Violence;
    - 6.1.2 Laurentian University Policy and Program on a Respectful Workplace and Learning Environment; and
    - 6.1.3 Laurentian University Policy on Workplace Violence Prevention.
  - 6.2 In most circumstances, this Code operates independently from other applicable University policies. In certain circumstances, more than one policy or code may apply, or may be referred to the process outlined under this Code. No disciplinary action taken pursuant to any other policies or codes of the University shall bar or prevent the University from instituting disciplinary proceedings and imposing sanctions under this Code. However, where the University proposes to take additional disciplinary actions, discussions must be held between the Manager, Student Rights and Responsibilities and the other lead administrator of the other policy or code before such disciplinary proceedings are initiated. The related policies include but are not limited to:
    - 6.2.1 The tetralogy of policies as referred to in 6.1;
    - 6.2.2 Student Codes of Conduct or Guidelines from the Federated Universities, from the Northern Ontario School of Medicine, from campus residences, from Varsity Athletics, and Campus Recreation;
    - 6.2.3 Professional Programs/Schools Codes of Conduct, Guidelines or

Standards of Practices;

- 6.2.4 Policies of other post-secondary institutions where the University has formal collaborative partnerships;
- 6.2.5 Policy on Access to Electronic General and Personal Information; and
- 6.2.6 Any other relevant policy or code that may be enacted subsequent to this Code.

7. Student Rights and Responsibilities:

- 7.1 To learn in a safe, respectful and positive learning environment.
- 7.2 To express your views in a responsible, respectful and ethical manner.
- 7.3 To make a complaint of misconduct without fear of reprisal.
- 7.4 To procedural fairness when a complaint is made under the Code, including:
  - 7.4.1 The right to be fully informed of the nature and details of the complaint, including the identity of the Complainant.
  - 7.4.2 The right to have an agent present during all stages of the complaint process.
  - 7.4.3 The right to be provided with an opportunity to respond to a complaint.
  - 7.4.4 The right to an appeal of a finding of misconduct.

8. Categories of Misconduct:

- 8.1 Fraud or Misrepresentation
  - 8.1.1 Engage in unauthorized and/or fraudulent use of University equipment or services;
  - 8.1.2 Gain unauthorized access to or make unauthorized use of personal information;

8.1.3 Misrepresent themselves, another person, or represent that they represent or speak for the University;

## 8.2 Offences against Property

8.2.1 Destroy, damage, possess without authorization, or adversely affect intellectual or physical property belonging to members of the University community or its guests, including but not limited to:

8.2.1.1 Threatening any other person with damage to that person's property, or knowingly causing a person to fear damage to their property;

8.2.1.2 Theft of any University or personal property, including intellectual property and information; or

8.2.1.3 Damaging or defacing the interior or exterior of University buildings and facilities including signage, parking installations, and other equipment.

8.2.1.4 Tamper with, or render inoperable any of the University's fire and safety equipment including making false alarms, unauthorized use of extinguishers or fire hoses, unauthorized opening of fire doors, disabling emergency telephones, blocking emergency exits, and setting unauthorized fires or any such action causing endangerment to individuals and to property;

## 8.3 Offences against Persons

8.3.1 Threaten one or more persons , the University community, or its guests;

8.3.2 Persistently and/or repeatedly communicate or attempt to communicate directly or indirectly with a member of the University's community when such communication is unwelcome;

8.3.3 Persistently and/or repeatedly follow a member of the University community from place to place on University Premises;

8.3.4 Engage in language or behavior that causes one or more persons to fear on reasonable grounds for their safety or the safety of persons known to them, and/or adversely affect their freedom to

participate in the University's activities;

8.3.5 Harm and/or endanger the health or safety of members of the University community or its guests. Offences include but are not limited to:

8.3.5.1 Assaulting another person, threatening any other person with bodily harm, or knowingly cause any other person to fear bodily harm;

8.3.5.2 Creating a condition that unnecessarily endangers the health or safety of another person;

8.3.5.3 Organizing or participating in any hazing activities, contrary to the Guidelines on Hazing (Appendix A).

8.4 Drugs and Alcohol:

8.4.1 On University Premises, possess, cultivate, use, or traffic illegal or unauthorized substances including but not limited to: drugs or noxious, flammable, explosive, or pyrotechnic materials;

8.4.2 Possession of firearms, ammunition, or other weapons on University Premises without authorization;

8.4.3 Unauthorized possession, consumption, or distribution of alcohol as defined by the *Liquor Licence Act of Ontario*;

8.4.4 Unauthorized possession, consumption, or distribution of cannabis as defined by federal and provincial legislation or failure to comply with any applicable University policies regarding the use and possession of cannabis on campus.

8.5 Abuse of the Code of Student Rights and Responsibilities Process:

8.5.1 Knowingly bring a false accusation against any Student under this Code. This is not to be confused with making a *bona fide* complaint that is subsequently found to be without merit;

8.5.2 Counsel, procure, conspire with, or otherwise aid any person(s) committing a misconduct under this Code;

8.5.3 Retaliate or attempt to retaliate against any person(s) for making

a complaint under this Code;

8.5.4 Obstruct University officials by failing or refusing to comply with University policies and procedures and/or sanction(s) imposed subsequent to a finding of misconduct under this Code.

9. Complaints of Misconduct:

9.1 Any member of the University community may file a complaint of misconduct against a student under this Code. A written complaint must be made by filling out a Case Resolution Request form and submitting it to the Equity, Diversity and Human Rights Office.

9.2 The complaint must set out in writing the name of the Respondent, the nature and the details of the circumstances, including detailed facts, specific dates and names of potential witnesses. The Manager, Student Rights and Responsibilities will acknowledge receipt of any written complaint received, review it and if necessary, seek clarification from the Complainant on the information it contains.

9.3 The Manager, Student Rights and Responsibilities, may, where appropriate, collaborate with the Dean (within the home faculty of the student), Director of Security, Risk Management and Parking, and any other relevant University officials, through all stages of the informal and formal complaint resolution process.

9.4 Initial Assessment:

9.4.1 Upon receipt of the written complaint, the Manager, Student Rights and Responsibilities will assess the complaint and determine whether the conduct forming the basis of the complaint appears to fall within the categories of misconduct as set out in Section 7 of this Policy, or whether the complaint should be referred for review under a companion University policy as described in section 6.

9.4.2 If the Manager, Student Rights and Responsibilities considers that the conduct complained of does not fall within the categories of misconduct as described in Section 7 of this Code, the Manager, Student Rights and Responsibilities will convey this assessment in writing to the Complainant and inform the Complainant of their right to request a review under this Code.

9.4.3 A request to review the Manager, Student Rights and Responsibilities'

assessment of the complaint can be made only if the it has been determined that the complaint falls outside the of the categories of misconduct as set out in Section 7 of this Code.

9.4.4 If the Complainant disagrees with the determination that the complaint does not fall within the categories of misconduct as described in section 8 of this Code, then the Complainant may ask for a review.

9.4.5 Once the complaint is accepted, the Respondent will be notified writing that a complaint has been lodged. The Respondent will be provided with a copy or summary of the allegations, identifying the Complainant. The Respondent will also be provided with a copy of this Code.

#### 9.5 Informal complaint resolution process:

9.5.1 Wherever possible, and appropriate, the Manager, Student Rights and Responsibilities will utilize the informal complaint resolution process to resolve complaints, prior to engaging the formal process. In general, an informal resolution process would be appropriate when the following conditions are met:

9.5.1.1 The nature of the incident is appropriate to an informal resolution process;

9.5.1.2 Individuals were well informed and able to make an informed choice about their participation; and

9.5.1.3 The person(s) affected by the misconduct is/are known, available, and freely agree to participate in an informal resolution process;.

9.5.2 Where all the criteria for informal resolution are met and a referral is made, the Manager, Student Rights and Responsibilities may facilitate the informal resolution process, or, where appropriate, refer the parties to other alternative dispute resolution processes.

9.5.3 Examples of informal resolution processes include mediation, negotiation, facilitation, conflict resolution conferences, restorative justice including healing circles, and other dispute resolution techniques.

9.5.4 The Respondent may choose to undertake a process that

acknowledges how others have been impacted, without admitting misconduct. This could include acknowledging the impact of the situation, and proposing remedies to address the impact and avoid further escalation of the situation.

9.6 At any stage of the informal resolution prior to the conclusion of the informal resolution process, the Complainant and/or Respondent has the right to continue to the formal complaint process under section 9.8. Any information or statements provided by the Respondent during the course of the informal resolution process will not be submitted as evidence to be considered in the formal resolution process.

9.7 At the conclusion of the informal resolution process, the Manager, Student Rights and Responsibilities will document the agreed upon resolution.

#### 9.8. Formal complaint resolution process:

9.8.1. Where the informal complaint resolution process is not successful, or where the nature of the misconduct is such that informal resolution would not be appropriate, the formal complaint resolution shall be initiated.

9.8.2. The Manager, Student Rights and Responsibilities shall not make a finding of misconduct nor impose a sanction(s) against a student unless the student has been informed, in writing, of the nature of the complaint, and provided with a written Complaint Summary of the facts alleged against them, and has been given an opportunity to respond to the complaint and alleged facts and to submit relevant information. The student shall also be given a reasonable opportunity to meet in person with the Manager, Student Rights and Responsibilities to discuss the matter. It is the responsibility of the student to provide all materials and information that will support their position. Should the Respondent provide a written response to the complaint, a copy will be provided to the Complainant who will be provided with the opportunity to reply.

9.8.3. The Manager, Student Rights and Responsibilities shall be responsible for investigating the allegations under the formal complaint resolution process. The Manager, Student Rights and Responsibilities shall collect, review, analyze and assess the facts with respect to the allegation(s), and shall be permitted to draw inferences and to assess the credibility of the persons interviewed.

9.8.4. In certain cases warranting same, the Manager, Student Rights and Responsibilities will consult with the Assistant Vice-President, Equity, Diversity and Human Rights about appointing an investigator who is impartial and

unbiased and who is trained in investigation techniques, to conduct an investigation as possible in accordance with the procedures in this Code. In such cases, the investigative report will be forwarded to the Associate Vice-President, Learning and Teaching or Vice-President, Academic and Provost in accordance with section 9.8.10.

- 9.8.5. A typical investigation involves, but is not necessarily limited to, the information gathered in the complaint/response process, supplemented by interviews, if necessary, with the Complainant, Respondent and witnesses (in that order) and the review of any applicable documentary, physical, corroborative or contemporaneous or other evidence. Witnesses may include anyone who can provide information, records or details regarding an allegation or the circumstances surrounding a complaint. When material facts are not in dispute, interviewing witnesses may be unnecessary.
- 9.8.6. If the student does not respond to the allegation or does not meet with the Manager, Student Rights and Responsibilities after having been given a reasonable opportunity to do so, the Manager, Student Rights and Responsibilities may proceed to dispose of the complaint without such a response or meeting.
- 9.8.7. At all meetings with the Manager, Student Rights and Responsibilities, an agent of their choosing may accompany the student.
- 9.8.8. The Manager, Student Rights and Responsibilities shall determine on a balance of probabilities whether or not the Respondent has violated this policy.
- 9.8.9. The Manager, Student Rights and Responsibilities shall prepare a written report summarizing the results of the investigation, and prepare a written decision including imposing an appropriate sanction or sanctions.
- 9.8.10. Should there be a determination that the misconduct is serious enough to warrant suspension or expulsion, the Manager, Student Rights and Responsibilities or, where appropriate, the Associate Vice-President, Learning and Teaching shall immediately forward this recommendation in writing to the Vice-President, Academic and Provost with reasons to explain the recommendation. Should the Vice-President, Academic and Provost accept the recommendation, they will implement the sanctions by writing to the student. If the Vice-President, Academic and Provost determines that the recommended sanction(s) are not appropriate, they will meet with the Manager, Student Rights and Responsibilities or the Associate Vice-President, Learning and Teaching to determine appropriate sanction(s).

9.8.11. All decisions made under this Code shall be communicated in writing to the Respondent. If there is a finding of misconduct, a copy of the decision will be retained in the Equity, Diversity and Human Rights Office. Where appropriate, relevant University officials may be informed of sanctions on a need to know basis.

9.8.12. All notices or decisions under this Code shall be by personal delivery, regular mail, campus mail, email, priority post, courier, or registered mail. If sent by regular mail, service will be deemed effective on the fifth (5<sup>th</sup>) day after the documents are mailed. All documents will be sent to the primary address recorded in the student's electronic record at the University or the student's email account, unless the student requests in writing that they be sent to another address.

## 10. Interim Measures:

### 10.1. Interim Prohibition:

10.1.1. After a complaint of misconduct is filed, in circumstances where the allegations of a misconduct by a student are determined to constitute a threat to the health and safety of members of the University community, or will disrupt instructional activities, including examinations the Manager, Student Rights and Responsibilities has the authority to impose interim prohibitions to the student while the investigation of the misconduct is ongoing in order to properly balance the rights and safety for the complainant(s) and/or community with the student's rights.

10.1.2. Interim prohibitions may include, but are not limited to the following:

10.1.2.1. Limit the access on University Premises;

10.1.2.2. Restrict the student's contact or association with certain individuals or groups;

10.1.2.3. Suspend student privileges;

10.1.2.4. Temporarily suspend a student from campus.

10.2. Any interim measures are in no way to be construed as a final determination that a breach of this Code has occurred, and are taken on a without prejudice basis.

- 10.3. The Manager, Student Rights and Responsibilities shall adhere to the principle of proportionality when imposing an interim measure, and should seek to impose an interim measure that is least disruptive to the Respondent while simultaneously achieving the intended goals of the measure.
- 10.4. An interim measure imposed shall remain in place until a decision is made at the conclusion of an investigation, unless otherwise ordered by the Manager, Student Rights and Responsibilities.
- 10.5. Appeals of an Interim Measure:
  - 10.5.1. The student can appeal the interim measure, in writing within ten (10) working days to the Associate Vice-President, Learning and Teaching who will reassess the interim measure, and either revoke or continue pending formal disposition of the alleged misconduct.

## 11. Confidentiality

- 11.1. Confidentiality is required in all procedures under the Code of Student Rights and Responsibilities. Because of the particular sensitivity of complaints and their consequences, confidentiality is of the utmost importance and will be maintained at all times, unless the safety of members of the Laurentian Community are at risk or subject to the disclosure requirements under the Code of Student Rights and Responsibilities and/or the *Freedom of Information and Protection of Privacy Act, 1990* or any other applicable legislation. Maintaining confidentiality benefits everyone involved in the complaint process. Those making complaints shall not discuss the matter other than with the appropriate parties. Those involved in dealing with the complaints will disclose information only where absolutely necessary and the Complainant will be consulted before any disclosure of information is made. The importance of confidentiality will be stressed to all those involved in an investigation and everyone will be strictly required not to discuss the complaint with colleagues.
- 11.2. Confidentiality does not mean anonymity. In the instance of acting on a complaint, a fundamental principle is that the Respondent must be informed of who has made the allegations, and the specific nature of the allegations, at the earliest possible point in the process.
- 11.3. In limited situations, it may be necessary to convey relevant information to the appropriate university official in order for Laurentian University to fulfill its obligation as employer and policy enforcer.

## 12. Sanctions:

- 12.1 Sanctions should be proportional to the type of misconduct. In considering an appropriate sanction, the University's primary focus will be to ensure the safety and security of the University's community.
- 12.2 The University shall consider the following factors when determining the appropriateness of the sanctions:
  - 12.2.1 The circumstances of the incident(s) from all parties involved;
  - 12.2.2 The extent and severity of the misconduct, including the effects on other members of the University community;
  - 12.2.3 The seriousness of the misconduct as an isolated incident or as part of an escalation of a pattern of misconduct; and
  - 12.2.4 Intent
  - 12.2.5 The student's non-academic record.
- 12.3 The University reserves the right to continue its investigation of misconduct and impose appropriate sanctions even where a student withdraws from the University.
- 12.4 The University reserves the right to commence an investigation of a former student's misconduct that came to light after the student left the University and to impose appropriate sanctions.
- 12.5 The University may impose one or more sanctions where a student has committed misconduct. Examples of sanctions include, but are not limited to:
  - 12.5.1 Verbal warning;
  - 12.5.2 Written warning given to an offending student indicating the date, time, and nature of the offence and a period of probation that is a minimum of three semesters and a maximum of three years. If a student is found to have committed another act of misconduct while on probation, they will be subject to a further and greater penalty;
  - 12.5.3 Exclusion from a class, examination room, or other area; Verbal or written apologies, work assignments, service to the University,

restriction of privileges, written assignments, completion of a workshop or project;

- 12.5.4 Temporary or permanent removal from a course;
- 12.5.5 Behavioural contract;
- 12.5.6 Prohibition or limitation on entering University Premises;
- 12.5.7 Prohibition or restriction of contact with specified person(s);
- 12.5.8 Restitution for loss, damage, or injury to the appropriate party or parties in the form of service, money, or material replacement;
- 12.5.9 Forfeiture of University awards or financial assistance;
- 12.5.10 Deregistration from some or all courses;
- 12.5.11 Suspension from the University for a specified time period; and
- 12.5.12 Expulsion from the University.

## 12.6 Transcripts and Registration:

### 12.6.1 When a student receives the sanction of suspension or expulsion:

12.6.1.1 The notations "suspended" or "expelled" from the "University" for misconduct shall be entered on the student's Transcript and Grade Report by the Registrar upon receipt of a notice of suspension or expulsion.

12.6.1.2 The suspension notation will be removed when the student graduates or five (5) years after the last registration.

12.6.1.3 The expulsion notation is permanent unless the Vice-President, Academic and Provost grants a petition for its removal. Any such petition may be made no sooner than five (5) years after the offence. Removal of the expulsion notation from the transcript does not overturn the expulsion decision, which will remain in effect.

## 13. Right of Appeal:

13.1 The respondent has the right to appeal a finding of misconduct or a sanction imposed under this Code.

13.2 A decision made under this Code by the Manager, Student Rights and Responsibilities or the Associate Vice-President, Learning and Teaching, shall be appealed to the Vice-President, Academic and Provost.

13.3 A decision made under this Code by the Vice-President, Academic and Provost that includes the sanction of suspension or expulsion shall be appealed to the UDAP administered by the Vice-President, Research.

13.4 The available grounds for appeal are limited to the following:

13.4.1 There has been a misinterpretation, a violation, an improper application, or faulty administration of this Code;

13.4.2 The decision is clearly unreasonable or unsupportable on the evidence;

13.4.3 There is new relevant evidence available that was not possible to obtain previously.

13.5 Filing an appeal will not stay the implementation of any sanctions that have been imposed.

13.6 Composition of the University Disciplinary Appeals Panel (UDAP):

13.6.1 The Vice-President, Research is responsible to form a UDAP.

13.6.2 UDAP members must be able to respond to the student's preference to appeal in French or in English and members cannot have previously interacted with the student who is appealing the decision. UDAP will include:

13.6.2.1 Two (2) students at the same level of study as the student requesting the appeal, but not from the same Faculty; and

13.6.2.2 Three (3) Faculty members that are not from the same Faculty and who are not on sabbatical.

13.7 On appeal, the Vice-President, Academic and Provost, or the UDAP, may:

13.7.1 Deny the appeal.

- 13.7.2 Grant the appeal and direct the previous decision maker to re-hear the matter or reconsider some pertinent aspect of the decision;and
- 13.7.3 Grant the appeal and quash the original decision or grant the appeal and vary the sanction.

### 13.8 Appeal Procedure

- 13.8.1 The request for appeal must be made in writing within ten (10) working days of receiving the decision. The request for appeal must be submitted to the Vice-President, Academic and Provost (if the decision being appealed was rendered by the Manager, Student Rights and Responsibilities or the Associate Vice-President, Learning and Teaching), or to the Vice-President, Research (if the decision being appealed was rendered by the Vice-President, Academic and Provost).
- 13.8.2 The request for appeal must contain a copy of the previous decision; a full statement supporting the grounds for the appeal; the outcome that the student is seeking; the name of legal counsel or Agent, if any; and if relevant, any documentation in support of the appeal. Where the basis of the appeal is new evidence, such new evidence shall be described clearly and the names of any witnesses shall be provided.
- 13.8.3 An appeal will not be accepted by the Vice-President, Academic and Provost or the Vice-President, Research if incomplete or not filed within the time period of ten (10) days. Exceptions to the time limit for filing an appeal are at the discretion of the Vice-President, Academic and Provost or UDAP, upon written application of the student.
- 13.8.4 The other party in the case will be notified that an appeal has been requested, and will be invited to make a written submission in response to be considered in the appeal.
- 13.8.5 Appeals to the Vice-President, Academic and Provost:
  - 13.8.5.1 The Vice-President, Academic and Provost will review the investigation report, the original decision, and any written submissions in support of or response to the appeal by the parties. The Vice-President, Academic and Provost may also

request an interview with each party.

13.8.5.2 Within (20) working days of receiving the written appeal, the Vice-President, Academic and Provost will render a final, written decision on the appeal. The decision will be filed by the Equity, Diversity and Human Rights Office. Copies shall be sent to all parties involved in the proceedings as well as to other University administrators with a legitimate need to know.

#### 13.8.6 Appeals to the UDAP:

13.8.6.1 Subject to the requirements set out herein, the UDAP shall determine its own procedures and practices in any appeal and may make such rules and orders as it deems necessary and proper to ensure a fair and expeditious proceeding. The UDAP shall proceed fairly in its disposition of the appeal, ensuring that both parties are aware of the evidence to be considered, are given copies of all documents considered by the Panel, and are given an opportunity to be heard during the process.

13.8.6.2 The UDAP may, in its discretion, hold an oral hearing or make its decision solely on the basis of written submissions, provided that it shall hold an oral hearing only if a party satisfies the UDAP that there is a good reason for doing so. Should the UDAP decide to hold an oral hearing, it shall determine whether the oral hearing shall be open to the public or held privately (behind closed doors). Hearings will generally be closed to members of the community unless a student specifically requests an open hearing. Request for an open hearing may be refused on grounds including but not limited to the protection of personal privacy.

13.8.6.3 While an attempt shall be made to schedule an oral hearing at a time convenient to the UDAP and the parties, a request by a party for a lengthy delay in the scheduling of the hearing, or a postponement of a scheduled hearing will be granted by the UDAP only in exceptional circumstances (appellant out of country, waiting for new evidence). Oral hearings will ordinarily be held within six (6) weeks of filing the appeal.

- 13.8.6.4 In the case of an oral hearing, if the Vice-President, Research is unable to contact the appellant within fourteen (14) days to schedule a hearing, the appellant will be notified by e-mail or registered mail at the address on the appeal with the deadline by which they must contact the Vice-President, Research to arrange a hearing.
- 13.8.6.5 If the appellant has not contacted the Vice-President, Research within fourteen days (14), the appeal will be deemed to be abandoned and may not be resubmitted.
- 13.8.6.6 Following canvassing of availability amongst members of the UDAP, each party to an oral hearing shall be sent confirmation notice of hearing setting out the time, place, and purpose of the hearing. If a party does not attend, the UDAP will proceed in the party's absence.
- 13.8.6.7 Each member of a UDAP shall vote. There shall be no abstentions. A majority of positive votes is required to grant an appeal.
- 13.8.6.8 The UDAP may extend any time limits specified herein or in any procedures adopted in a given proceeding.
- 13.8.6.9 The reasoned decision shall be written by the Chair of the UDAP and filed by the Equity, Diversity and Human Rights Office. Copies shall be sent to all parties involved in the proceedings as well as to other University administrators with a legitimate need to know.
- 13.8.6.10 The parties must bear all their own legal expenses, if any. The UDAP will not order the University to pay all or part of the respondent's costs nor will it order the respondent to pay all or part of the University's costs.