

University of Prince Edward Island	Policy No: admss_gnl0001	Revision No: 2
Policy Title: Code of Conduct for Students		Page: 1 of 17
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1. Purpose

- 1.1 The University is committed to fostering a safe and supportive environment for all members of the University Community.
- 1.2 The University is committed to the creation of a scholarly community characterized by honesty, civility, diversity, free inquiry, freedom from harassment, mutual respect, and individual safety. Each Student is responsible for his/her conduct which affects the University Community.
- 1.3 The Code is not intended to address concerns over the conduct of staff or Faculty members, unless the individual is also a Student.
- 1.4 The Code exists to define Students' basic responsibilities as members of the University Community, and to define procedures for dealing with a failure to uphold the Code.
- 1.5 The University does not stand in *loco parentis* for Students. Students are free to organize their lives, behavior, and associations, subject only to the law, University regulation, and the University's authority to provide a safe and orderly functioning of the University; to ensure well ordering and advancement of the academic welfare of the University; and to protect the proper enjoyment, maintenance, and use of all University property.
- 1.6 The Code shall not be construed to prohibit peaceful assemblies, demonstrations, lawful picketing, or to unreasonably restrict freedom of speech or expression.
- 1.7 Safety on campus shall be a primary guiding principle.

2. Scope

Students

- 2.1 Students' academic conduct is governed by University Regulations 12 and 20. University Students are expected to conduct themselves in a manner consistent with the University's scholarly community, characterized by honesty, civility, diversity, free inquiry, freedom from harassment, mutual respect, and individual safety.
- 2.2 The Code applies to the non-academic conduct of Students in University-related events and activities as described in Section 2.3.

Application

- 2.3 The rights and responsibilities described in the Code apply to the conduct of Students in relation to activities or events that:
 - 2.3.1 occur on Campus; or
 - 2.3.2 occur anywhere else (including electronically) if:
 - 2.3.2.1 the activity or event is sponsored by UPEI (including individual Faculties, Departments and Centres);
 - 2.3.2.2 the alleged conduct would be viewed by a reasonable person to have, or might reasonably be seen to have an adverse effect on the proper functioning of the University, or the rights of a member of the University community to use and enjoy the University's learning and working environment; or
 - 2.3.2.3 the alleged conduct occurs in the context of a relationship between a Student and a third party and involves the Student's standing, status or academic record at the University.

3. Responsibility

- 3.1 The Code is a new policy replacing the previous Student Rights and Responsibilities Code.
- 3.2 Vice-President, Academic
 - 3.2.1 Oversight of the Code rests with the Vice-President, Academic. The Vice-President, Academic shall authorize revisions to the Code and establish procedures. In order to preserve independence in these duties, the Vice-President, Academic shall not be involved in day-to-day administration of the Code.
- 3.3 Manager of Student Affairs
 - 3.3.1 The Manager of Student Affairs shall serve as Chair of the Code of Conduct Committee.
 - 3.3.2 The Manager of Student Affairs shall appoint a Student Conduct Investigator from UPEI staff within that Department.
 - 3.3.3 Where the Student Conduct Investigator is a Complainant or otherwise in a conflict of interest with respect to any Complaint pursuant to the Code, the Manager of Student Affairs shall appoint an alternate Student Conduct Investigator from UPEI staff, and all references in this Code to the Student

Conduct Investigator shall be read as referring to the alternate Student Conduct Investigator.

3.3.4 The Manager of Student Affairs shall avoid appointing direct service staff as a Student Conduct Investigator to avoid conflicts of interest.

3.4 Code of Conduct Committee

3.4.1 The Code of Conduct Committee shall consist of:

3.4.1.1 Two (2) members of UPEI Faculty or staff (plus alternates), at least one of which is a Faculty member, to be appointed by the Vice-President, Academic;

3.4.1.2 Two (2) Undergraduate Students (plus alternates) appointed by the UPEI Student Union Executive;

3.4.1.3 One (1) Graduate Student (plus alternate) appointed by the Graduate Student Association; and

3.4.1.4 The Manager of Student Affairs, who shall serve as Chair of the Code of Conduct Committee.

3.4.2 The Chair shall vote only in the case of a tie.

3.4.3 A quorum for the Code of Conduct Committee shall be a majority of members with at least one (1) from each of the Faculty and Student representation.

3.4.4 The Code of Conduct Committee shall be responsible for decisions with respect to Complaints pursuant to the Code and with respect to emergency Suspensions imposed pursuant to Section 9.

3.4.5 Code of Conduct Committee meetings shall be closed and remain confidential.

3.5 Student Conduct Investigator

3.5.1 The Student Conduct Investigator shall be appointed by the Manager of Student Affairs for a two (2) year term (renewable at the discretion of the Manager of Student Affairs).

3.5.2 The Student Conduct Investigator shall be the primary point of contact for issues regarding the Code.

3.5.3 The Student Conduct Investigator shall be responsible for investigating Complaints and alleged violations as well as facilitating informal resolution when determined to be appropriate.

3.5.4 The Manager of Student Affairs shall oversee the maintenance and security of Code of Conduct Files, which will be kept in Student Affairs.

4. Definitions

- 4.1 “Business Day” means Monday to Friday, inclusive, excluding statutory and University holidays.
- 4.2 “Campus” means the University campus located at 550 University Avenue, Charlottetown, Prince Edward Island, or any other grounds or buildings of the University.
- 4.3 “Complainant” means a person making a complaint under this Code.
- 4.4 “Complaint” means a complaint under this Code or a matter referred for investigation directly by the Student Conduct Investigator.
- 4.5 “Code” means this Code of Conduct for Students.
- 4.6 “Code of Conduct File” means the record retained by the Student Conduct Investigator (including information related to allegations and decisions made pursuant to the Code).
- 4.7 “Expulsion” or “Expelled” means the termination of all of a Student’s rights and privileges as a student at the University, with no possibility for readmission. The Student is denied any further registration at the University in any program and his/her academic transcript shall record this sanction permanently. The Student shall be withdrawn from all courses without academic penalty, and tuition will be refunded as per existing policy. Expulsion shall be recorded on the Student’s academic transcript as follows: “Expelled (effective date). May not apply for readmission.”
- 4.8 “Faculty” or “Faculties” means one or more of Arts, Science, School of Nursing, School of Business, Veterinary Medicine, and Education, or any other faculty/school established by the University.
- 4.9 “Formal Complaint” means a request for a formal complaint process made pursuant to Section 6.6.1.
- 4.10 “Graduate Student Association” means the University of Prince Edward Island Graduate Student Association.
- 4.11 “Hazing” means an act which endangers the mental or physical health or safety of a University Community member for the purposes of initiation or admission into, affiliation with, or as a condition for continued membership in, a group or organization; or an act which endangers the mental or physical health or safety of any person for the purposes of initiation or admission into, affiliation with, or as a condition for continued membership in any University group or organization.
- 4.12 “Instructor” means the person assigned to teach a course or his/her delegate.

- 4.13 “Letter of Reprimand” means a written warning to a Student that his/her behaviour has violated this Code and that a more severe penalty will be imposed if further violations of the Code occur in the future. A copy of the Letter of Reprimand shall be placed in the Student’s official file in the Registrar’s Office.
- 4.14 “Probation” means a penalty whereby a Student is warned that any allegation of a further violation of this Code, during a specified period of time, shall immediately be referred back to the Student Conduct Investigator for a formal complaint process.
- 4.15 “President” means the President of the University.
- 4.16 “Removal of Privileges” means a denial of all or specified University privileges such as access to the library, use of on-campus computer accounts, or UPEI network access.
- 4.17 “Respondent” means any person against whom a Complaint has been made pursuant to this Code.
- 4.18 “Restitution” means a payment to cover the costs of repairing or replacing damaged property or misused supplies in respect of which a violation of the Code was committed.
- 4.19 “Student” means an individual who is registered (paid his/her fees or has arranged to pay the fees) at UPEI or an individual who is eligible to register at UPEI, has not graduated, and can resume studies at UPEI without having to initiate a formal petition or re-application form, including, but not limited to, undergraduate, graduate and professional students.
- 4.20 “Student Conduct Investigator” means the person appointed by the Manager of Student Affairs, pursuant to Section 3.3.2, or his/her designate.
- 4.21 “Suspension” or “Suspend” means a penalty that restricts a Student’s right to register or participate in all or specified University events or attend at all or specified University buildings for a period of time. While under Suspension, a Student loses the right to attend lectures, write examinations, participate in the Co-Op employment program, or graduate. Courses taken elsewhere during a period of suspension shall not be eligible for credit toward a UPEI degree. In addition, in the case of graduate students, any research or writing completed during a Suspension period may not be submitted in fulfillment of program requirements once the period of Suspension is concluded. Suspension shall be recorded on the Student’s academic transcript as follows: “Suspended from date to date.” At the date for resumption of studies, the record shall be removed from the transcript but shall continue to be maintained in the Student’s official file in the Registrar’s Office.
- 4.22 “University” or “UPEI” means the University of Prince Edward Island.
- 4.23 “University Community” means the Students, Staff and Faculty members of the University.
- 4.24 “UPEI Student Union” means the University of Prince Edward Island Student Union.
- 4.25 “Vice-President, Academic” means the Vice-President, Academic or his/her designate.

4.26 “Writing” includes any of electronic communication, fax, and letter.

5. Code of Conduct

Prohibited Behaviours

5.1 Misconduct for which Students shall be subject to discipline pursuant to the Code includes but is not limited to:

5.1.1 Disruptive or Dangerous Behaviours

5.1.1.1 Students are prohibited from conduct that:

5.1.1.1.1 infringes on the rights of others to participate in University activities;

5.1.1.1.2 creates a situation which endangers or threatens the health, safety or well-being of another individual, including conduct that involves an invasion of privacy through electronic communication or other methods; or

5.1.1.1.3 harms, injures or threatens the safety of any person, including where such conduct occurs within the classroom and including conduct that involves an invasion of privacy through electronic communication or other methods.

5.1.2 Damage, Destruction, and Theft

5.1.2.1 Students are prohibited from:

5.1.2.1.1 possession or use of University property or property belonging to another member of the University Community without appropriate consent or authority;

5.1.2.1.2 possession or use of property belonging to someone else, which is acquired in connection with an activity or event sponsored by UPEI, without appropriate consent or authority;

5.1.2.1.3 misappropriation, destruction or damage of University property or resources;

5.1.2.1.4 misappropriation, destruction or damage of other's property on Campus; or

5.1.2.1.5 defacement of any University building or property.

5.1.3 Fraud, Misuse, and False Information

5.1.3.1 Students are prohibited from:

5.1.3.1.1 Forgery, misuse or alteration of any University document or record in paper or electronic form, or obtaining any University equipment, material or service by fraudulent means; or

5.1.3.1.2 Providing false information or identification to University representatives, including UPEI Student Union representatives, Graduate Student Association representatives, or on behalf of the University.

5.1.4 Unauthorized Entry or Presence

5.1.4.1 Students are prohibited from:

5.1.4.1.1 Entering or remaining in any University areas which are not designated for Student use without proper authorization; or

5.1.4.1.2 Entering, remaining in, or willingly allowing others to have access to areas designated for Faculty members or staff use only, or other areas designated as restricted, without proper authorization.

5.1.4.2 As usage of space on Campus is constantly in flux, it is impractical to provide an exhaustive list of authorized and unauthorized areas. Students without proper authority are not permitted to access the following non-exhaustive list of unauthorized spaces:

5.1.4.2.1 locked areas;

5.1.4.2.2 areas requiring pass card access; and

5.1.4.2.3 any area where a reasonable expectation of privacy exists (such as residence rooms, staff and Faculty offices and file storage).

5.1.4.3 When in doubt, it is the responsibility of the Student to seek clarification prior to entering or remaining in an area.

5.1.4.4 Students shall vacate a space when instructed by University personnel who have determined there has been unauthorized entry or presence and a failure to do so shall be a violation of the Code.

5.1.5 Violation of University Policies

5.1.5.1 Where a Student is alleged to have violated any University policy or regulation for which there is no established process for response, or where the established process is deemed, by the authority responsible or the Manager of Student Affairs, to be insufficient to:

5.1.5.1.1 provide a safe and orderly functioning of the University;

5.1.5.1.2 ensure the advancement of the academic welfare of the University; or

5.1.5.1.3 to protect the proper enjoyment, maintenance, and use of University property,

the alleged violation may, at the discretion of the Manager of Student Affairs, be considered an allegation of a violation of this Code and addressed pursuant to the provisions of the Code.

5.1.6 Criminal Liability

5.1.6.1 Students are prohibited from conduct that violates the *Criminal Code*.

5.1.6.2 Conduct that allegedly violates the *Criminal Code* or is subject to prosecution under another Federal or Provincial statute shall ordinarily be dealt with by police and the justice system.

5.1.6.3 In situations where other proceedings, if any, are not considered by the Manager of Student Affairs to adequately protect the University's interests, the alleged conduct shall be considered an allegation of a violation of the Code and addressed pursuant to the provisions of the Code.

5.1.6.4 If in the opinion of the Student Conduct Investigator it is considered prudent, investigation and/or resolution of a Complaint under the Code may be deferred until a finding is made by a court of law. The deferral may also involve terms and conditions as are appropriate in the circumstances (including but not limited to an interim suspension or requiring compliance with interim conditions).

5.1.6.5 Evidence of conviction for a criminal or quasi-criminal offence shall be prima facie evidence of a violation of the Code.

5.1.6.6 The Code and its application shall not supplant criminal liability. The University shall work in cooperation with law enforcement where deemed appropriate or required by law.

5.1.7 Abuse, Misuse, or Disrespect for the Process of this Code

5.1.7.1 As part of an investigation, hearing, or sanction pursuant to the Code, no Student shall:

5.1.7.1.1 falsify or misrepresent information;

5.1.7.1.2 cause others to falsify or misrepresent information;

5.1.7.1.3 fail to comply with reasonable requests of a University representative;

5.1.7.1.4 fail to attend meetings or hearings; or

5.1.7.1.5 fail to comply with Code sanctions.

5.1.8 Alcohol and Drugs

5.1.8.1 No Student shall contravene the UPEI Alcohol Safety Policy, the *Liquor Control Act*, the *Controlled Drugs and Substances Act* or corresponding regulations.

5.1.8.2 No Student shall misuse drugs, whether in the form of non-prescription use of prescription drugs or the use of illegal drugs.

5.1.8.3 Students are prohibited from conduct that violates the *Controlled Drugs and Substances Act*. Allegations of violations of the *Controlled Drugs and Substances Act* shall be addressed pursuant to Section 5.1.6.

5.1.8.4 The University shall cooperate with the legal requests of law enforcement officials regarding alcohol and drug investigations on UPEI property.

5.1.9 Unauthorized Possession or Use of Dangerous Goods

5.1.9.1 Students are prohibited from storing, possessing, or using real or replica firearms or other weapons, explosives (including fireworks), ammunition, or toxic or otherwise dangerous materials on University premises unless prior written authorization is obtained from the Office of the President, or delegate.

5.1.10 Hazing

5.1.10.1 Students are prohibited from engaging in or directing any Hazing activities.

5.1.11 Invasion of Privacy

5.1.11.1 Students are prohibited from making, attempting to make, transmitting,

attempting to transmit, distributing, or attempting to distribute audio, video, or images of any person(s) in relation to an event or activity set out in Section 2.3 where the participants in the activity have a reasonable expectation of privacy unless all participants have provided express consent.

5.1.11.2 Students are prohibited from viewing or spying on a person(s) in relation to an event or activity set out in Section 2.3 in areas where there is a reasonable expectation of privacy without the express consent of all participants.

5.1.11.3 Students are prohibited from distributing or attempting to distribute any material obtained in relation to an event or activity set out in Section 2.3 that contains information for which the subject of the material has a reasonable expectation of privacy without the express consent of the subject of the material.

5.2 Conduct for which Students may be subject to discipline pursuant to the Code includes but is not limited to:

5.2.1 Failing to Follow Directions of Faculty and Instructional Staff

5.2.1.1 A failure of Students to follow reasonable directives of Faculty members and Instructors intended to allow for smooth operation of the classroom environment may be considered a violation of the Code.

5.2.1.2 Reasonable directives pursuant to this section include the right of Instructors, including but not limited to Faculty, sessional instructors, lab and clinical instructors and workshop facilitators, to ask a Student to leave the classroom or bar a Student from entering class until conduct concerns have been addressed.

5.2.1.3 Should a dispute over classroom management arise, it shall be resolved outside of classroom time so as to avoid a disruption to other Students. All reasonable efforts shall be made by the Instructor and the Student to resolve the matter. In the event the matter cannot be resolved between the Instructor and the Student, either may request that the matter be reviewed by the appropriate Dean. If the matter cannot be resolved by the appropriate Dean, and the Student continues to refuse to follow the reasonable directive given by an Instructor, the matter may be referred to the complaint resolution procedures in Section 6 for resolution.

5.2.2 Respect for Diversity

5.2.2.1 The University is committed to offering a safe and diverse learning environment. Conduct of Students that is considered unreasonably disrespectful of diversity may be considered a violation of the Code.

5.3 Academic Freedom

5.3.1 Academic freedom will not be accepted as justification for violation of the Code.

6. Complaint Resolution Process

6.1 Concurrent Jurisdiction

6.1.1 Where conduct gives rise to an alleged violation of the University's policies with respect to ensuring harassment and discrimination free workplace as well as the Code, the investigation and/or resolution of the matter pursuant to the Code shall be deferred until conclusion of the investigation and resolution of the matter pursuant to the former. The deferral may also involve terms and conditions as are appropriate in the circumstances.

6.1.2 Where conduct gives rise to an alleged violation of any other University policy, if in the opinion of the Code of Conduct Committee it is considered prudent, investigation and/or resolution of a complaint under the Code may be deferred until conclusion of the investigation and resolution of the matter pursuant to the other policy. The deferral may also involve terms and conditions as are appropriate in the circumstances.

6.1.3 Where resolution is acquired through another University policy, the Code of Conduct Committee may decide not to proceed with a formal investigation and shall inform the Complainant and the Respondent of this decision in writing.

6.2 Initiation of a Complaint

6.2.1 Any University Community member, including the Student Conduct Investigator, may make a Complaint regarding conduct in relation to an activity or event described in Section 2.3.

6.2.2 Except in the case of the Student Conduct Investigator, a Complainant shall have personal, firsthand knowledge of the alleged conduct that forms the basis of the Complaint.

6.2.3 The Student Conduct Investigator shall have the authority to initiate a Complaint with respect to any matter brought to his or her attention and falling within the scope of the Code.

6.2.4 Complainants are encouraged to report their concerns as soon as possible after the alleged conduct. Complaints, including a Formal Complaint, must be lodged within ten (10) Business Days of the alleged conduct or, in the case of a series of conduct, within ten (10) Business Days of the last alleged conduct.

6.2.5 The Student Conduct Investigator shall make reasonable efforts to resolve Complaints at the informal level while reserving the right to bypass informal

procedures and proceed to a Formal Complaint process if, in the opinion of the Student Conduct Investigator, a Complaint is of sufficient severity.

6.2.6 A Formal Complaint process shall be commenced by:

6.2.6.1 a Formal Complaint in Writing to the Vice-President, Academic by the Complainant pursuant to Section 6.6.1; or

6.2.6.2 at the direction of the Student Conduct Investigator.

6.3 Upon initiation of a Complaint, three resolution procedures are available:

6.3.1 informal resolution in consultation with the Student Conduct Investigator;

6.3.2 mediation; or

6.3.3 Formal Complaint process.

6.4 Informal Resolution

6.4.1 Informal resolutions are optional. The purpose of dealing with a Complaint informally is to stop the offending behavior and to resolve the matter as quickly as possible. Every reasonable effort shall be made to seek informal resolution within fifteen (15) Business Days of the initiation of the Complaint, or before the end of the semester, whichever is sooner.

6.4.2 Informal resolution of a Complaint that adversely affects the Respondent shall proceed only with the written consent of the Respondent. No record of the informal resolution will be entered into a Student's official file in the Registrar's Office. A record of the informal resolution shall be kept by the Student Conduct Investigator for seven (7) years and then be destroyed.

6.4.3 Any statements made during attempts to resolve the matter informally may not be included as part of the Formal Complaint process without the written consent of the originator of the statement.

6.4.4 The informal resolution process shall be established by the Student Conduct Investigator. If the matter is resolved informally, the disposition shall be final and there shall be no subsequent proceedings.

6.5 Mediation

6.5.1 Any time after a Complaint has been initiated, the parties may attempt to resolve the Complaint through a process of mediation, provided that the parties consent to such a process.

6.5.2 The Student Conduct Investigator shall select a mediator. Mediation shall begin within two (2) weeks of the selection of the mediator. The mediated settlement

must take into consideration and be implemented within the parameters of the policies of the University.

- 6.5.3 A copy of any agreement reached during mediation shall be provided to each of the parties, to the Student Conduct Investigator and to the Code of Conduct Committee, and remains confidential. No record of the mediation shall be entered into a Student's official file in the Registrar's Office. A record of the mediation agreement shall be kept by the Student Conduct Investigator for seven (7) years and then be destroyed.
- 6.5.4 If mediation fails to arrive at a mutually acceptable resolution, the Complainant may decide to pursue a Formal Complaint process by submitting a Formal Complaint pursuant to Section 6.6.1.
- 6.5.5 Any statements made during mediation may not be included as part of the formal complaint process without the written consent of the originator of the statement.
- 6.5.6 If the matter is resolved through mediation, the disposition shall be final and there shall be no subsequent proceedings.

6.6 Formal Complaint Process

- 6.6.1 If at any time after the Complaint has been made the Complainant wishes to have the Complaint formally investigated and decided, the Complainant has the right to file a Formal Complaint in Writing with the Vice-President, Academic. A Formal Complaint shall include a detailed account of the alleged conduct on the part of the Respondent that forms the basis of the Complaint.
- 6.6.2 A Formal Complaint process may also be commenced by the Student Conduct Investigator at any time after the initiation of a Complaint.
- 6.6.3 Within ten (10) Business Days of receiving a Formal Complaint, the Student Conduct Investigator shall determine, based on the information contained in the Formal Complaint, whether the alleged conduct on which the Complaint is based could constitute a violation of the Code. If the Student Conduct Investigator determines that the alleged conduct on which the Formal Complaint is based could not constitute a violation of the Code, the Student Conduct Investigator shall inform the Complainant and the Respondent of this decision in writing, copied to the Vice-President, Academic.
- 6.6.4 If the Student Conduct Investigator determines that sufficient grounds exist to proceed under the Code, the Student Conduct Investigator shall deliver a copy of the Formal Complaint to the Respondent, and refer the matter to the Code of Conduct Committee for investigation and a hearing with respect to the alleged violation of the Code.

- 6.6.5 The Respondent may reply to the Formal Complaint in Writing within ten (10) Business Days from the date of receipt of the Formal Complaint. As part of the response, the Respondent may:
 - 6.6.5.1 Acknowledge or deny the validity of the Complaint in whole or in part;
 - 6.6.5.2 Provide new information; and/or
 - 6.6.5.3 Propose a resolution to the Complaint.
- 6.6.6 The Student Conduct Investigator shall provide a copy of the Respondent's reply to the Complainant and to the Code of Conduct Committee.
- 6.6.7 A Complainant may, at any time withdraw a Complaint. However, the Code of Conduct Committee may, in its discretion, proceed to investigate the Complaint, taking into account the rights of the Complainant and witnesses, the need for due process on the part of Respondent, and the best interest of the University Community.
- 6.6.8 The Code of Conduct Committee shall conduct an investigation and hearing in relation to the Formal Complaint in compliance with the rules of fairness and natural justice. This includes each party's right to know, understand, and respond to all allegations. Subject to complying with the rules of fairness and natural justice, the procedure with respect to the investigation and hearing shall be at the sole discretion of the Code of Conduct Committee.
- 6.6.9 The Code of Conduct Committee shall provide an opportunity to all parties to provide verbal and/or written information related to the Formal Complaint.
- 6.6.10 The Code of Conduct Committee where appropriate and reasonably possible shall interview all witnesses who may have relevant information material to the Formal Complaint. All parties shall be provided an opportunity to respond to information provided by witnesses within twenty (20) Business Days.

7. Code of Conduct Committee Decision

- 7.1 The Code of Conduct Committee shall render a Written decision within forty (40) Business Days of the commencement of the formal complaint process.
- 7.2 The Code of Conduct Committee's Written decision shall contain the following:
 - 7.2.1 A description of the Complainant's allegations;
 - 7.2.2 A description of the Respondent's reply;
 - 7.2.3 A summary of the process followed in the investigation and hearing;
 - 7.2.4 A summary of the evidence provided by the parties and the witnesses; and

- 7.2.5 Any penalties or remedial action ordered by the Code of Conduct Committee.
- 7.3 The Written decision of the Code of Conduct Committee shall indicate whether or not the allegations have been established on a balance of probabilities.
- 7.4 Following its investigation and hearing, the Code of Conduct Committee may:
 - 7.4.1 Dismiss the Complaint;
 - 7.4.2 If the allegations have been established on a balance of probabilities:
 - 7.4.2.1 Issue the Respondent a verbal warning;
 - 7.4.2.2 Issue the Respondent a Letter of Reprimand;
 - 7.4.2.3 Order the Removal of Privileges of the Respondent for a specified period of time;
 - 7.4.2.4 Place the Respondent on Probation for a specified period of time;
 - 7.4.2.5 Order the Respondent to provide Restitution as compensation for loss, damage or injury;
 - 7.4.2.6 Order discretionary sanctions against the Respondent which may include, but are not limited to, work assignments, service to the University, education sessions, writing a letter of apology or other such discretionary assignments that are considered appropriate;
 - 7.4.2.7 Place conditions on the Respondent's continued attendance at the University;
 - 7.4.2.8 Recommend the Respondent be Suspended for a specified period of time;
or
 - 7.4.2.9 Recommend the Respondent be Expelled.
- 7.5 More than one remedial action or sanction may be ordered for a single violation of the Code.
- 7.6 A decision of the Code of Conduct Committee shall be a decision of a majority of the Committee.
- 7.7 Where the Code of Conduct Committee determines the sanction should include Suspension or Expulsion, the Committee shall recommend the remedy to Suspend or Expel to the President of the University. The Suspension or Expulsion of the Student will only become effective following consideration and determination by the President.
- 7.8 The Respondent and the Complainant shall be sent a copy of the written decision of the Code of Conduct Committee, and a copy of the decision shall be sent to the President of

the UPEI Student Union or the President of the Graduate Student Association, as applicable, and the Vice-President, Academic.

- 7.9 In exceptional cases, the Code of Conduct Committee may extend procedural time limits set out in this Section.

8. Appeals

- 8.1 A party may appeal a decision by making a written application to the Senate within fifteen (15) Business Days from the date of final decision from the Code of Conduct Committee.
- 8.2 Appeals must be made in Writing to the Secretary of Senate and must state explicitly the grounds and supporting argument or information upon which the appeal is based.
- 8.3 Appeals are allowable only on the following grounds:
- 8.3.1 the sanction(s) or other requirements imposed were considered inappropriate in the circumstances;
 - 8.3.2 the Code of Conduct Committee or the Student Conduct Investigator failed to follow the proper procedure;
 - 8.3.3 the decision is considered unreasonable based on the written record; or
 - 8.3.4 substantial new evidence exists that was not reasonably available at the time of the investigation or decision of the Code of Conduct Committee, which, if presented, would likely have altered the outcome.
- 8.4 The Senate Academic & Student Discipline Appeals Committee shall establish a procedure for conducting and hearing appeals from a decision of the Code of Conduct Committee.
- 8.5 All decisions of the Senate shall be final and binding unless appeal is made to the Board of Governors pursuant to the terms of the University Act.
- 8.6 In exceptional cases, the Senate may extend procedural time limits set out in this Section.

9. Emergency Suspension

- 9.1 If the Manager of Student Affairs determines that the presence at the University of a Student poses an immediate risk to safety and security, he/she shall consult with the Vice- President, Academic and may recommend to the President an immediate Suspension of the Student and may also contact the appropriate authorities (e.g., 911 and Security Services). The President may Suspend a Student pursuant to this Section for up to ten (10) Business Days.

- 9.2 If the President issues an emergency Suspension pursuant to Section 9.1, the Student shall be notified in Writing by the Manager of Student Affairs of the decision. An emergency Suspension shall prohibit the Student from being on the Campus and in any of the Campus buildings or facilities.
- 9.3 If, after further investigation, it is determined that the Student continues to pose a risk to safety and security, the Manager of Student Affairs may, with the agreement of the Vice-President, Academic, recommend to the President that the Student be further Suspended on an emergency basis. The President may Suspend a Student pursuant to this Section up to a maximum of forty (40) Business Days (in addition to the time period under Section 9.1). A Code of Conduct Committee must be convened and the Student must have an opportunity to meet with the Committee to address the matter within this time period.
- 9.4 Where a Student has been charged with a criminal or quasi-criminal offence, the maximum number of days may be extended beyond forty (40) Business Days to take into account the scheduling of criminal proceedings, depending on the nature and severity of the offence with which the Student is charged.
- 9.5 Alternatively, other restrictions to ensure the safety and well-being of the Student and University Community short of full Suspension may be applied in lieu of Suspension.

10. Review

- 10.1 This Code shall be reviewed every five (5) years or as circumstances dictate.