



Policy:	<b>NON-ACADEMIC STUDENT CODE OF CONDUCT</b>
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Approved by:	President, Huron University College

## 1. PREAMBLE

- 1.1. When Students register at Huron University College (“Huron”), they become part of a university community built upon the values of compassionate leadership and excellent conduct. Being part of a university community, like being part of any community, requires you interact with others in ways that support the safe, equitable, respectful and harmonious continuation of that community – and all the individuals who form it.
- 1.2. The Non-Academic Student Code of Conduct (“Code”) sets standards of behaviour and the treatment of others to help ensure Huron continues to be a safe, inclusive and productive community. Upon registration, students accept the rights and responsibilities associated with membership in Huron’s academic and social community. Students are responsible for observing a standard of conduct that will contribute to Huron’s mission and that will support an environment conducive to the intellectual and personal growth of all who study, work and live here. This responsibility includes respecting the rights, property, and well-being of other members of the Huron community and visitors to the campus and not engaging in conduct that could reasonably be seen to endanger or adversely affect the health, safety, rights, security or property of Huron, its members and visitors. The academic and social privileges granted to each student are conditional upon the fulfillment of this responsibility and students must familiarize themselves with the regulations and the conduct expected of them while registered at Huron.
- 1.3. Huron does not stand *in loco parentis*, which is to say that it has no general or universal responsibility for the moral and social behaviour of its students as if they were its children. Students have the right to organize their own personal life, behaviour and associations. At the same time, Huron has a responsibility to ensure that the rights of all members of the community to peaceful and safe and supportive enjoyment of the programs and facilities of the institution are protected. Huron expects students to set for themselves the highest standards of behaviour off-campus, including behaviour conducive to the peaceful and safe enjoyment of housing by both students and neighbours. Huron does not condone behaviour that infringes upon the rights of the University’s neighbours or that brings Huron’s good name into disrepute.
- 1.4. Huron values integrity, inclusiveness and teamwork. To this end, when appropriate, Huron is committed to providing developmental and educational opportunities in response to Student conduct issues. Huron is a place for Student growth and development, and the structures surrounding its non-academic misconduct system is part of that broader learning environment.

This Code outlines the kinds of activities and behaviours that constitute non-academic student misconduct. Huron will respond to all Reports of misconduct equitably and expeditiously. In the event that the standards of behaviour outlined in the Code are not

maintained, the Code includes detailed descriptions of the steps to be taken to enforce the standards and protect the Huron community, including the application of sanctions, where warranted. The process for dealing with complaints under the Code is intended to protect the rights and entitlements of all parties and will be guided by a commitment to the respectful treatment of all individuals and procedural fairness. It models the kind of fair-minded and evidence-based approaches that govern successful communities, and it provides for careful consideration, and, where warranted, reconsideration, of every case on its own merits.

## 2. PURPOSE

2.1. The purpose of the Code is to define the general standard of conduct expected of students registered at Huron, provide examples of behaviour that would breach this standard of conduct, provide examples of sanctions that may be imposed on Students found to breach the standard of conduct, and set out the response procedure that Huron will follow to address alleged breaches of the Code.

## 3. DEFINITIONS:

3.1. The following definitions shall apply to this Code:

- i. **Campus Discipline Appeals Committee (CDAC):** The Committee which will hear an appeal of the Senior Administrator's decision, if an appeal is granted.
- ii. **Complainant:** The person(s) who has chosen to report an individual(s) for allegedly breaching the standards set out in this Code. A Complainant could be a member of the Huron Community or a member of the broader community.
- iii. **Complaint:** The sharing of information concerning an alleged breach of the standards set out in this Code with the intention of initiating the formal Complaint process provided for under section 6 of this Code.
- iv. **Formal Conduct Process:** Any process and procedures addressing conduct under this Code, including but not limited to, meetings, interviews, hearings, and appeals processes.
- v. **Guest:** a person(s) who is visiting a Student on the Huron Premises. Guests include student Guests as well as non-student Guests.
- vi. **Huron Community:** Includes, without limitation, employees, Students, volunteers, visiting professors, contractors, visitors and other individuals who live, work, or study at, or carry out services for, Huron.
- vii. **Huron Premises:** includes all lands, buildings and grounds owned, leased or operated by Huron.
- viii. **Huron Program, Event or Activity:** a program, event or activity, whether on-campus, off-campus or on-line, that is hosted, sanctioned, sponsored, or organized by Huron and includes, but is not limited to, coursework, research, and other academic activities, placements, student exchange programs, study abroad,

internships, co-ops, field trips, social events, and volunteer and community service activities.

- ix. **Respondent:** The Students(s) against whom a Complaint has been filed under this Code. The Respondent(s) are individual(s) who have allegedly breached the standards set out in this Code and will be responding to the allegations as part of the formal Complaint process provided for under section 6 of this Code.
- x. **Student:** An individual registered at Huron in a course or program of studies (including on-line courses).
- xi. **University Officer:** The AVP, Students, or the Director, Community Safety.

#### 4. JURISDICTION

- 4.1. This Code applies to non-academic misconduct committed by Students and their Guest that occurs on the Huron Premises.
- 4.2. Consistent with our values, Huron Students are expected to conduct themselves as responsible and respectful community members in the community at large. Therefore, this Code also applies to non-academic misconduct that occurs off-campus, or through electronic media regardless of where it originates, in circumstances where:
  - i. A Student is participating in a Huron Sanctioned Activity;
  - ii. A Student represents or claims to represent Huron or an organization affiliated with Huron;
  - iii. The non-academic misconduct adversely affected:
    - The operations of Huron; or
    - The reasonable participation by member(s) of the Huron Community in Huron's living, learning or working environment(s).
  - iv. Huron has reasonable grounds to believe there is risk to the safety of a member(s) of the Huron Community in Huron's living, learning or working environment(s).
  - v. The non-academic misconduct occurs at a Huron Program, Event or Activity
  - vi. The non-academic misconduct occurs at a program, event or activity that is not hosted, sanctioned, sponsored, or organized by Huron, but because of nature of the program, event or activity and/or number of Students involved, might reasonably be seen to have a direct or indirect association with Huron.
- 4.3. In determining whether or not to exercise jurisdiction over off-campus conduct, the Associate Vice President, Students, or designate, will consider the seriousness of the alleged conduct, the risk of harm involved, whether the victim(s) are members of the Huron Community and/or whether the off-campus conduct is part of a series of actions that occurred both on and off campus.

- 4.4. The Code applies to non-academic misconduct that occurs in the context of an academic program, including conduct that occurs when a student is participating in:
- i. any class activity, including a lecture, tutorial, lab or the like, on Huron's Premises or virtually; and
  - ii. any organized academic activity, such as a clinical placement, exchange, field placement, field trip, internship, research activities, or the like, that occurs off Huron's Premises.
- 4.5. Students are responsible for advising their Guests about this Code and the required standards of appropriate conduct. Students are responsible for the conduct of their Guest(s), including violation(s) of this Code, if the Student encouraged the misconduct, or if the Student knew of, or could have reasonably foreseen, the misconduct and failed to take steps to discourage or prevent it, or to advise Campus Police and/or Emergency Services.
- 4.6. Students will be held individually responsible for their actions, whether acting on their own or as part of a group.
- 4.7. Student groups and/or their leaders or any identifiable spokesperson for a Student group can be held responsible, collectively and/or individually, for violations of this Code by their members or by participants in their group's activities, whether sanctioned or not, and whether located on or off the Huron Premises.
- 4.8. Subject to the provisions of the Affiliation Agreement between Huron, Western University ("Western"), King's University College ("King's") and Brescia University College ("Brescia"), students registered at Western, King's and Brescia are expected to conform to the standards of this Code while on Huron property or while participating in a Program, Event or Activity at Huron. Only Western, King's and Brescia may discipline their respective students for conduct that would constitute a violation of this Code. Alleged misconduct in violation of this Code while on Huron property or while participating in a Program, Event or Activity at Huron by a student registered at Western, King's or Brescia will be reported to the University Officer of the institution where the student is registered, by the University Officer (or designate) at Huron. Where circumstances warrant, Huron may also take measures to restrict such a student's entry onto the Huron Premises, use of Huron's facilities, or participation in a Huron Program, Event or Activity.
- 4.9. Likewise, Huron Students can expect that any alleged misconduct in violation of this Code or the Student Code of Conduct issued by Western, King's and Brescia that occurs on the premises of Western, King's and Brescia will be reported to the University Officer at Huron, by the University Officer of the respective institution. Furthermore, Huron Students can expect that in extraordinary circumstances, Western, King's and Brescia may also take measures to restrict Huron students from entering onto their respective University premises, or use of University facilities.
- 4.10. The Code exists in a broader context of codes and policies that relate to student conduct, including:
- i. The *Criminal Code* of Canada;
  - ii. The Huron Residence Handbook;
  - iii. Huron's Harassment, Sexual Harassment, Racism and Discrimination policy;

- iv. Huron's Workplace Violence/Safe Workplace Policy;
- v. Huron's Gender-Based Sexual Violence Policy;
- vi. Huron's Smoke and Tobacco Free Campus Policy;
- vii. Western University's Code of Student Conduct;
- viii. The Senate Policy on Discipline for Undergraduate Students;
- ix. The Senate Policy on Discipline for Graduate Students, and;
- x. The Undergraduate Student Academic Appeals Policy of Senate.

4.11. Any Student found responsible for misconduct under the Code may also be subject to proceedings under other policies, codes or statutes. Similarly, a decision by civil authorities not to act under the *Criminal Code* or other legislation does not mean that an offence is not therefore subject to the Code. Normally the Code acts independently of other policies and procedures that Huron has in place which apply to Students. In certain cases, a Student may be subject to sanctions under more than one of the foregoing policies, codes or statutes.

## 5. PROHIBITED STUDENT CONDUCT

The following list sets out examples of prohibited non-academic conduct. This list is not intended to be exhaustive or exclusive. Any conduct that breaches the standard of conduct set out in section 1.2 may be subject to discipline under this Code.

### 5.1. Disruption/Interference:

- i. No Student shall cause by actions, threat or otherwise, a disturbance that the Student knows obstructs any activity organized by Huron, or the right of another member of the Huron Community to carry on their legitimate activities, to speak or to associate with others; and
- ii. Nothing in this Code should be interpreted as prohibiting peaceful assemblies and demonstrations, lawful picketing, or the exercise of free speech.

### 5.2. Misconduct Against Persons and Dangerous Activity:

- i. Any assault, harassment, intimidation, threats or coercion;
- ii. Any inappropriate conduct or behaviour directed at others (including statements, actions or displays) based on race, sex, religious beliefs, colour, sexual orientation, age or disability;
- iii. Conduct that threatens or endangers the health or safety of any person;
- iv. Contravention of Huron's Harassment, Sexual Harassment, Racism and Discrimination Prevention Policy;
- v. Contravention of Huron's Gender-Based Sexual Violence Policy;
- vi. Knowingly (which includes when one should reasonably have known) creating a condition that endangers the health, safety, or well-being of any person regardless of consent;
- vii. Engaging in conduct that is, or is reasonably seen to be, humiliating or demeaning to another person, or coercing, enticing or inciting a person to commit an act that is, or is reasonably seen to be, humiliating or demeaning to that person or to others (e.g. hazing) regardless of consent; and
- viii. This includes any such conduct through electronic / social media where the message or image is capable of broadcast.

### 5.3. Misconduct Involving Property:

- i. Unauthorized entry and/or presence on any Premises of Huron, Western, King's, or Brescia contrary to regulations or without express or implied authority, or contrary to an express instruction or direction from an authorized official;
- ii. Misappropriation, damage, unauthorized possession, defacement and/or destruction of premises or property of Huron or of the property of others;
- iii. Use of Huron facilities, equipment, or services contrary to express instruction or without proper authority;
- iv. Misuse of Huron supplies and documents, including equipment, library and computer resources, keys, records, transcripts, permits, and virtual learning platforms;
- v. Interfering with, obstructing, or tampering with emergency telephones, fire protection equipment or emergency equipment or facilities (e.g. fire doors, fire bells, extinguishers, sprinklers and hoses, smoke and heat alarms; setting a false fire alarm; setting a fire; and blocking or wedging open fire and smoke doors on corridors and stairways).

### 5.4. Misrepresentation or False Information:

- i. Providing false information to any person or office acting on behalf of Huron, Western, King's, or Brescia; and
- ii. Forging, altering or misusing any document, record, card or instrument of identification. This applies to any identification or information, including but not limited to, student cards, access cards, key cards and transcripts.

### 5.5. Misuse of Alcohol and/or Drugs:

- i. Illegal use, possession or distribution of a controlled or restricted substance including the use and possession of alcohol or cannabis under the age of 19;
- ii. Contravention of laws or policies regarding the possession, distribution and consumption of alcoholic beverages or controlled or restricted substance on campus; and
- iii. Inappropriate use of over-the-counter or prescription drugs that results in behaviour related to any of the offences listed in the Code.

### 5.6. Misuse of Dangerous Objects and Substances:

- i. Storage, possession, or use of firearms, explosives or other weapons; and
- ii. Storage, possession, or use of flammable solvents, biohazardous, volatile or poisonous materials.

### 5.7. Misuse of Information Technology and Social Networking Applications

- i. Contravention of federal, provincial, or municipal laws or violation of Huron's policies relating to the use of information technology.

### 5.8. Violation of published Huron policies, rules or directives as well as published policies, rules or directives of Western, King's and Brescia.

### 5.9. Contravention of any provision of the *Criminal Code* or any other federal or provincial statute or municipal by-law.

5.10. Any act of aiding or encouraging others in the commission of one of the aforementioned acts, and/or attempted to commit one of the listed acts, whether or not the attempt was successful, will be treated as an offence under the Code.

5.11. Failure to comply with any sanction imposed by Huron for misconduct under this Code.

5.12. Any other action, in the opinion of Huron that threatens or harms any member of the Huron community or could bring the reputation of Huron into disrepute.

## **6. COMPLAINT PROCEDURE**

### **6.1. Making a Complaint under the Code:**

i. Any person who alleges, with evidence, that a Student registered at Huron has acted contrary to this Code (the "Complainant") may make a written Complaint to one of the following University Officers:

- The AVP, Students; or
- The Director of Community Safety.

Only one Officer will administer any single complaint.

ii. A Complaint must be made in written form and it must detail the allegations clearly and include any evidence (including the names and contact information of any potential witnesses) in support of the allegations.

iii. As necessary, the University Officer will provide support and accommodations to those members of the Huron Community who are unable to submit Complaints in writing without assistance.

iv. Huron, at its sole discretion, reserves the right to initiate procedures outlined in the Code if Huron is made aware, has knowledge of and/or has reason to believe an alleged violation has occurred.

v. Upon receipt of a Complaint, the University Officer may consult with or seek assistance from appropriate University officials or external advisors in resolving a Complaint. The University Officer or designate will review the allegations and, if they fall within the jurisdiction of the Code, may attempt to resolve the matter informally or may proceed to initiate Formal Code Proceedings.

vi. Wherever possible, and at the sole discretion of Huron, minor incidents or failure to meet the standards of behaviour outlined above may be addressed through informal means. However, this may not always be possible for minor incidents and is not appropriate for major incidents.

vii. All Complaints will be confidential to the extent possible and without fear of reprisal. However, proper investigation of a Complaint may require the identity of the parties involved to be disclosed to each other and to third parties, including witnesses.

viii. All Complaints will be dealt with expeditiously and sensitively.

- ix. Please note that any Complaint that is found to be frivolous, vexatious or made in bad faith may be subject to discipline under the Code or under other applicable Huron policies.

## 6.2. Interim Measures

- i. Where the University Officer or designate believes that the Student against whom a complaint/report has been filed (the "Respondent") constitutes an immediate threat to the rights of members of the Huron Community to enjoyment of a safe and respectful environment, the University Officer or designate may impose interim measures to remove the Respondent from interacting with other members of the Huron Community. In determining whether to impose interim measures and the most appropriate interim measure, the University Officer or designate will consult with applicable University employees and consider all relevant and necessary information including the nature of the allegations, prior non-academic misconduct involving the Respondent, and any other circumstances.
- ii. Interim Measures may be imposed when:
  - There is a need to ensure the safety and well-being of the Student(s) or other members of the Huron Community or for the preservation of the Huron Premises;
  - The Student's presence on the Huron Premises could lead to a breach of court-imposed restrictions (e.g., release or probation conditions or a peace bond including a non-association order) or where Huron is unable to reasonably accommodate the conditions;
  - There is a reasonable apprehension that the Student poses a threat of disruption or of interference with the normal operations of Huron; or
  - There is a need to ensure the Student's own physical safety.
- iii. Interim Measures may include, but are not limited to:
  - A Trespass Notice issued by Campus Police Service;
  - A requirement that the Respondent shall not have contact with specified individuals;
  - Changing academic reporting structures and/or schedules;
  - Change in University residence accommodations;
  - Placing the Respondent Student on an interim academic suspension;
  - Limiting the Respondent Student's access to specified areas of the Premises at specified times;
  - Restricting the Respondent Student from all or parts of the Premises;
  - Restricting the Respondent Student from some or all Huron Programs, Events or Activities;
  - Any other condition, restriction and/or requirement that Huron deems appropriate and proportionate to the situation in order to ensure the safety and well-being of any Huron Community members.
- iv. These measures exist only until the conclusion of the investigation and decision or for any other period of time determined by Huron. Interim measures may be imposed

immediately upon receipt of a Complaint, or at any time during the investigation process.

- v. Interim Measures deemed to be reasonably necessary will be implemented and monitored by the University Officer or designate.
- vi. If Interim Measures are imposed, the Respondent will be informed in writing of any Interim Measure(s) that are being imposed, and the reason(s) for same.

### 6.3. Responding to a Complaint under the Code

- i. If the University Officer or designate initiates Formal Code Proceedings, the University Officer or designate will conduct a fact finding investigation, which ordinarily consists of:
  - Obtaining a written response and documents from the Respondent;
  - Interviewing the Complainant, Respondent and witnesses;
  - Producing a summary of all witness interviews (i.e., produce witness statements); and
  - Gathering additional relevant documentation.
- ii. The University Officer or designate will provide the Respondent with a Notice of Complaint, which outlines the nature of the allegations and the facts alleged against them as well as the procedure for providing a written response or how to schedule a meeting with the University Officer or designate.
- iii. After receipt of the Notice of Complaint, the Respondent will be invited to provide a written response and to present any relevant evidence (such as any documentation or witness names and contact information) to the University Officer or designate within ten (10) business days. Respondents have the option of meeting personally with the University Officer or designate to discuss the matter prior to making their written response. Any request for a meeting with the University Officer or designate shall be made in writing.
- iv. If the Respondent does not respond, or fails to make arrangements for a meeting as set out in the original Notice of Complaint, the University Officer or designate may proceed with the Complaint investigation without a response or meeting.
- v. At any interviews or meetings over the course of the Code proceedings, the Complainant, Respondent, witnesses and the University Officer or designate have the option to be accompanied by a support person. However, the support person cannot also act as a witness in the subject Complaint.
- vi. After the University Officer or designate has completed their investigation, they will forward the investigative package, which ordinarily consist of the information set out in section 6.3(i), to the Senior Administrator, who will determine whether the student has breached the standard of conduct set out in this Code. The Senior Administrator will be either:
  - The Vice President, Finance and Administration; or
  - The Dean/Provost, Academics.

- vii. If the Senior Administrator concludes that, on a balance of probabilities, the Respondent breached the standard of conduct set out in this Code, the Senior Administrator may impose appropriate sanction(s). The decision of the Senior Administrator, with reasons, will be communicated in writing to the Respondent through their Western e-mail account. A copy of the decision will also be provided to any relevant University offices that require such information for their files, such as, the Registrar's office.
- viii. The University Officer or designate and Senior Administrator may continue Code proceedings notwithstanding that a student withdraws from Huron prior to a final decision. Where a student's conduct comes to light after a student has left Huron, the University Officer or designate and Senior Administrator may decide to proceed with the review and disposition of a complaint, if the seriousness of the allegation warrants such action.
- ix. Huron will not issue Official Transcripts to the Student directly when a Code proceeding is ongoing, rather, transcripts will be sent to a specified institution at the Student's request. If the sanction results in a requirement to make a notation on the Student's transcript (e.g. suspension or expulsion), previous recipient(s) will be sent an updated Official Transcript after any available appeal process has been exhausted or the time for appealing has expired.

#### 6.4. Responding to a Substantiated Complaint

- i. Where the evidence submitted to the University Officer or designate is irrefutable and as such, absent an alternate reasonable explanation, or where the violation of the standards of conduct is witnessed directly by a University Officer or designate, the Senior Administrator in consultation with the University Officer or designate reserves the right to immediately impose any sanction outlined under section 7 of this Code. The University Officer or designate and Senior Administrator may invite the student to respond, however this is not required.
- ii. Please note that students will have the ability to appeal the Senior Administrator's decision to the Campus Discipline Appeals Committee (CDAC) as outlined below.

## 7. SANCTIONS

- 7.1. The Senior Administrator may impose one or more sanctions for a breach of this Code, of which those listed below are examples. Sanctions imposed shall be proportional to the type of misconduct. The most serious types of misconduct will merit the most serious sanctions (i.e. suspension and expulsion). Prior breaches of the Code may be taken into account in determining an appropriate sanction.
- 7.2. In considering an appropriate sanction, the Senior Administrator's primary focus must be to ensure the safety and security of the Huron Community. However, where possible and appropriate, the Senior Administrator will consider educational sanctions in addition to or instead of other sanctions. Such sanctions are designed to help a student understand why their behaviour was inappropriate and to appreciate the impact of that behaviour on others.

7.3. Potential sanctions include, but are not limited to the following:

- i. Formal letter of reprimand, placed in the student file in the office of the Registrar.
- ii. A 'Behavioural Contract', which sets out behavioural expectations, terms, and conditions that is developed with and signed by the student. With their signature, the student agrees to the expectations, terms, and conditions and acknowledges that any breach of the contract may result in more serious sanctions.
- iii. A 'No Contact Order' that requires that a Student have no direct or indirect contact with a specific individual(s) or group(s).
- iv. Prohibition from non-academic activities at Huron.
- v. Prohibition from association with people at Huron.
- vi. Mandatory enrollment in an educational program or counselling.
- vii. Prohibition from specified buildings and/or all facilities at Huron, which may include Residence.
- viii. Restriction or denial of services or privileges. The lost privileges may include, but are not limited to, parking privileges, unrestricted access to the library, access to athletic facilities at Western, and access to and participation in extra-curricular activities, including student leadership opportunities.
- ix. Non-academic, disciplinary probation for a designated period of time during which the student is required to adhere to the terms of the probation which may include restrictions of student privileges and/or set behavioral expectations. A violation of probation or additional breaches of the standards of conduct outlined under the Code (related or not), while on probation may result in more severe penalties.
- x. Removal from academic programming at Huron and/or Western, Brescia, King's through:
  - Removal from Course Registration;
  - Removal from Registration in Multiple Courses;
  - Suspension from the University for a specified period of time (this is recorded on the academic transcript);
  - Expulsion from the University (this is recorded on the academic transcript).
- xi. Forfeiture of eligibility for Huron awards or financial assistance.
- xii. Compensation to Huron in the form of community service, financial reimbursement and/or material replacement.
- xiii. Issuance of 'No Trespass' from Huron, Western, King's and/or Brescia.
- xiv. The requirement that the student provide a written or oral apology to a specified individual(s) within a specified timeframe.

7.4. If a sanction includes suspension, Huron reserves the right to impose conditions, including any conditions stemming from criminal or civil proceedings, upon a Student(s) return to campus. The purpose of any such conditions will be to ensure that Huron continues to be a safe, inclusive and productive community.

7.5. If at any time while a Code proceeding is pending against a Student and the Student's relationship with Huron comes to an end such that the Student is no longer registered at Huron in a course or program of studies and the University Officer finds that the Student violated the Code and the sanction results in the need to make a notation of the Student's transcript (e.g. suspension or expulsion), the Student's transcript will be amended accordingly, and prior recipient(s) of the Student's transcript will be so informed by Huron.

## 8. APPEALS

- 8.1. If a Student wishes to appeal the decision of the Senior Administrator, the Student may submit an appeal application to the sub-committee of the Campus Discipline Appeals Committee (CDAC).
- 8.2. The sub-committee of the CDAC to hear appeals of decisions related to breaches of this Code shall consist of the following individuals:
  - i. Chair, CDAC or designate;
  - ii. Director, Human Resources; and
  - iii. The appointed Faculty Representative of the CDAC.

This committee shall be chaired by the Chair, CDAC.

- 8.3. The President may also appoint other *ad hoc* members to the sub-committee of the CDAC, based on the circumstances contained within the appeal application and where subject matter expertise of another staff or faculty member, or external resource, including legal counsel, would benefit the sub-committee. If there is a perceived conflict of interest with a standing member of the sub-committee of the CDAC, the President may appoint another member to the sub-committee in their place.
- 8.4. An individual may only raise the following issues in their appeal application:
  - i. The Student believes the Senior Administrator, University Officer or designate made a significant procedural error during their investigation and/or decision making process, which was prejudicial to the appellant; and/or
  - ii. The Student believes that there is relevant, new evidence that was not available to the Senior Administrator, University Officer or designate at the time of the investigation and/or decision making process.
- 8.5. In addition to the grounds set out in section 8.4, if the sanction imposed on the Student is forfeiture of Huron awards or financial assistance, suspension, or expulsion, a Student may appeal the finding of misconduct and/or the sanction(s) to the sub-committee of the CDAC on the ground that the decision and/or sanction was unreasonable or unsupportable on the evidence before the Senior Administrator.
- 8.6. An appeal application must include the following information:
  - i. A copy of the Notice of Complaint;
  - ii. A copy of the decision from the Senior Administrator;
  - iii. A written statement supporting the grounds for appeal (using only the grounds outlined above in section 8.4 and 8.5, if applicable);
  - iv. A description of the relief or resolution sought; and
  - v. Any documentation or new evidence in support of the appeal.
- 8.7. An appeal must be made within ten (10) business days of receiving the decision and subsequent sanctions of the Senior Administrator. The student must submit their appeal application to the Executive Assistant, Office of the President, who will provide one (1) copy to the Senior Administrator (as the "Respondent") and one (1) copy to the Chair of the CDAC.

- 8.8. While the appeal is being considered by the CDAC, the original sanctions remain in effect, unless explicitly set aside by the CDAC upon receiving the appeal. The parties will be notified in writing by the Chair of CDAC if any penalties are being set aside prior to issuing its decision on the appeal.
- 8.9. During the appeal process, all parties, including the CDAC, have a right to legal counsel, at the parties' own respective expenses. Processes outlined in the appeals procedure shall not be unreasonably postponed or rescheduled due to the unavailability of legal counsel.
- 8.10. The Senior Administrator whose decision the Student is appealing will have five (5) business days from the receipt of the appeal application from the Executive Assistant, Office of the President to make a detailed response to the Student's appeal by writing to the Chair of the CDAC.
- 8.11. Following receipt of the appeal application, and response from the Senior Administrator, the Chair of the CDAC will convene a meeting of the CDAC to consider the appeal application. The right to an appeal is not automatically granted, nor is an appeal the opportunity for the appellant or the Senior Administrator to repeat information. The CDAC will only proceed with an appeal if the conditions outlined in section 8.4 above are clearly met. Simply disagreeing with, or not liking the decision of the Senior Administrator, is not grounds for an appeal.
- 8.12. The CDAC reserves the right to consider the appeal as a written appeal or to hold an in-person hearing. The appellant has the right to make a case for an in-person hearing, although the CDAC may choose not to proceed with an in-person hearing. The parties will be notified in writing of the CDAC's decision on the appeal format.
- 8.13. After reviewing the written appeal or oral hearing, the CDAC will take one (1) of the following actions:
- i. Dismiss the appeal as having insufficient grounds;
  - ii. Consider the appeal and nevertheless uphold the original findings and sanctions imposed;
  - iii. Consider the appeal and uphold the original findings but not the sanctions imposed, choosing to impose alternative sanctions, if any;
  - iv. Consider the appeal and overturn both the original findings and the original sanctions imposed.
- 8.14. The CDAC has no authority to make any order for the payment or award of costs.
- 8.15. The decision of CDAC will be delivered to the parties within fifteen (15) business days after receipt of the Senior Administrator's response. The decision will be filed with the Executive Assistant, Office of the President and copied to any relevant University offices that require such information.

#### Further Appeal

- 8.16. Within five (5) business days of receiving the reasons for decision, the Student or Senior Administrator may appeal the decision of the CDAC to the President. The President may designate another individual to hear the appeal. The party appealing the decision of the

CDAC will be referred to as the “Appellant”. The Appellant’s appeal must be based on at least one the following grounds:

- i. There is relevant new evidence that was not available to CDAC at the time of making the decision;
- ii. The CDAC committed a significant procedural error that was prejudicial to the appellant; and/or
- iii. The CDAC did not have the authority under this Code to reach the decision or impose the sanctions they did.

8.17. The appeal to the President or designate must include the following information:

- i. A statement supporting the grounds for appeal (relying on only those grounds set out in section 8.15);
- ii. Full appeal package submitted to CDAC as described in section 8.5;
- iii. A copy of the decision from CDAC; and
- iv. Any new information or evidence the Appellant is relying on.

8.18. While the appeal is being considered by the President or designate, the original sanctions remain in effect, unless explicitly set aside by the President or designate upon receiving the appeal. The parties will be notified in writing by the President or designate if any penalties are being set aside prior to issuing its decision on the appeal.

8.19. After receipt of the Appellant’s appeal application, the President or designate will provide a copy to the Respondent. The Respondent could be either the Student or Senior Administrator, depending on which party is appealing the decision of the CDAC to the President.

8.20. After receipt of the Appellant’s appeal application to the President or designate, the Respondent will have five (5) business days to provide a detailed response.

8.21. Simply disagreeing with, or not liking the decision of the CDAC, is not grounds for an appeal.

8.22. After reviewing the written appeal, the President or designate will take one (1) of the following actions:

- i. Dismiss the appeal as having insufficient grounds;
- ii. Consider the appeal and nevertheless uphold the original findings and sanctions imposed;
- iii. Consider the appeal and uphold the original findings but not the sanctions imposed, choosing to impose alternative sanctions, if any;
- iv. Consider the appeal and overturn both the original findings and the original sanctions imposed.

8.23. The decision of the President or designate will be given to the parties within ten (10) business days after receipt of submissions from the Respondent. The decision will be filed with the Executive Assistant, Office of the President and copied to any relevant University offices that require such information.

8.24. The decision of the President or designate is final.

## **9. REVIEW OF CODE**

9.1. This policy will be reviewed as required, with a full review occurring every three (3) years.