

## **Procedures - Students Responsibilities and Student Conduct**

Whenever possible and appropriate, matters under Code will be dealt with informally before utilizing the formal disciplinary procedures, as set out in the Code.

Minor offences will normally be dealt with informally within the area or department where the offence has occurred.

In the case of an offence that has arisen in a classroom or related setting, this may be achieved through discussion with the Professor/Instructor and/or Chair of the Department (Director of School), offering the class.

The Dean of Students should always be consulted before invocation of the Code.

### **Procedures**

1. Any member of the King's University College community (faculty, staff, students, visitor or outside community members) may submit a written report outlining an occurrence of an alleged offence that warrants a review and possibly disciplinary sanctions under the Code. This report is submitted to the Dean of Students.
2. In situations where there is the potential that a penalty may affect the academic progress of a student, the Vice-Principal and Academic Dean may act jointly with the Dean of Students regardless of the jurisdiction of occurrence of the alleged offence.
3. Reports of alleged offences should be filed within 72 hours of an occurrence. A late report may be received where circumstances warrant it. The Dean of Students has discretion to receive and review late reports.
4. When a report that an alleged offence has been received by the Dean of Students the student allegedly responsible for the offence will be notified in writing, normally within five (5) business days of the report being received. This letter will include the nature of the reported offence and the facts alleged against the student.
5. Written notification will be sent by registered mail or by personal delivery, where appropriate. Upon delivery, notice will be considered complete whether or not the notice letter is read or acknowledged by the student. Delivery will be deemed effective on the fifth (5th) business day following the delivery of the letter of notification.
6. Upon notification that an alleged offence has been reported, a student is required to meet with the Dean of Students as designated in the letter, and the person(s) reporting the alleged offence of the Code to discuss the occurrence, the written report of the alleged offence, and to present his/her account of the occurrence. The Dean of Students may request and/or allow other persons to attend this meeting at his/her (their) discretion. This meeting will be held as soon as possible (normally within ten [10] business days), following notification of the student that a report of an alleged offence under the Code of Conduct is pending. During holiday and examination periods, special arrangements and/or extensions may be required.

7. The responding student will be provided reasonable opportunity to respond to the report, to meet with the Dean of Students and to present evidence. It is the responsibility of the student to provide all materials that will support his/her position and to produce his/her own witnesses.

8. In situations where the Dean of Students and/or it determines that further investigation is necessary, an External Investigating Officer(s) will be appointed to undertake the investigation and report. The Secretary of the Board of Directors is responsible for appointing the External Investigating Officer(s).

9. 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.

10. The Dean of Students shall keep all parties to a complaint informed about the progress of the investigation.

11. Throughout a formal procedure, the Dean of Students and the relevant academic areas shall use their best efforts to ensure that the academic progress of any student party to the complaint is not unreasonably jeopardized.

12. The Dean of Students will compile a report of all findings of offences under the Code of Conduct. This report will include the nature of the offences and the sanctions assigned, if any, with students' names removed. This report will be included in the Annual Report of the Dean of Students.

## **Appeals**

1. A student may appeal the decision of the Dean of Students' and/or the sanctions imposed by the Dean of Students. An appeal may be made to the King's University College Discipline Appeal Committee on the ground that the decision and/or the sanction(s) was unreasonable or unsupportable on the evidence before the Dean of Students

2. A student may appeal the decision of the Dean of Students to the King's University College Discipline Appeal Committee on one or more of the following grounds:

a) That there was a serious procedural error(s) in the hearing of the complaint by the Dean of Students and/or which was prejudicial to the appellant;

b) That new evidence, not available at the time of the earlier decision, has been discovered, which casts doubt on the correctness of the decision;

c) That the Dean of Students and or designate did not have the authority under this Code to reach the decision or impose the penalty that they did.

3. Filing an Appeal Application will not stay the implementation of any sanctions imposed except where the Chair of the King's University College Discipline Appeal Committee otherwise orders upon application of the appellant.

4. The Discipline Appeal Committee may:

a) Deny the appeal

b) In the case of an appeal under section 1 or 2 (a) or (b), grant the appeal and quash or vary the original decision or grant the appeal and vary the penalty.

c) In the case of an appeal under section 2(c), grant the appeal and quash the original decision.

5. The right to be represented by counsel will be accorded to the principal parties to the appeal. The Discipline Appeal Committee also reserves the right to retain counsel.

6. The parties must bear all their own legal expenses, if any. The Discipline Appeal Committee will not order the College to pay all or part of an appellant's costs nor will it order the appellant to pay all or part of the College's costs.

#### **Composition of the Discipline Appeal Committee and Annual Training**

7. The Chair of the Discipline Appeal Committee must be tenured faculty member elected by College Council in accordance the Practices of College Council. When an Appeal Application is completed, see Procedures (below), the Chair of the Discipline Appeal Committee will select from the membership of College Council: two (2) faculty members, and two (2) students to serve on the Discipline Appeal Committee.

The Chair of the Discipline Appeal Committee will ensure that members selected will not be in a conflict of interest in relation to the appellant. Faculty members selected should not be from the same academic department. Students must not be enrolled in the same academic program or courses or other relationships, which may be conflict of interest.

Three members (including at least one student and at least one faculty member) will constitute a quorum.

In instances where the Chair is unable to act or declares a conflict of interest, the Executive Committee of College Council will appoint an Acting Chair of the Discipline Appeal Committee

When a duly constituted Discipline Appeal Committee commences to hear a matter, the membership terms of those members present at the commencement of the appeal hearing are automatically extended until the Committee renders its final decision in the case in question, if necessary.

The College is responsible to provide annual training and orientation to the discipline appeal committee; this includes an annual review by of procedures and practices to ensure consistency in adjudication of appeals.

### **Appeal Procedures**

8. An Appeal Application must be filed with the Secretary of the Board of Directors within two weeks after the Dean of Students has issued a decision. The Application must contain a copy of the decision, the grounds for the appeal, the outcome sought, a full statement supporting the grounds for the appeal, the name of legal counsel or agent, if any, and any relevant 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.

9. An Appeal Application will not be accepted by the Secretary of the Board of Directors if incomplete or not filed within the time period specified in section 8 above. Exceptions to the time limit for filing an appeal are at the discretion of the Chair of the King's University College Discipline Appeal Committee upon written application of the student. Appeal Application forms are available from the Secretary of the Board of Directors.

10. Parties to the appeal are the student against whom the decision has been made (Appellant) and the Dean of Students (Respondent).

11. The Secretary of the Board of Directors will provide the Respondent with a copy of the Appeal Application and attachments. The respondent will file a concise written reply to the Appeal Application with the Secretary to the Board of Directors within ten days of receiving the documents. A copy of the reply will be provided to the Appellant.

12. Upon receipt of an Appeal Application, The Secretary of the Board of Directors will notify the Chair of King's University College Discipline Appeal Committee, who will constitute and convene a Discipline Appeal Committee as described in 7 (above).

13. Subject to the requirements set out herein, the Discipline Appeal Committee will determine its own procedures and practice, consistent with past practice, in any appeal and make such rules and orders, as it deems necessary and proper to ensure a fair and expeditious proceeding. It is bound by neither strict legal procedures nor strict rules of evidence. The Discipline Appeal Committee 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 Discipline Appeal Committee, and are given an opportunity to be heard during the process.

14. The Discipline Appeal Committee may summarily dismiss an appeal if the Appeal Application does not, in the judgment of the Discipline Appeal Committee, raise a valid ground of appeal or does not assert evidence capable of supporting a valid ground.

15. The Discipline Appeal Committee may, in its discretion, hold an oral hearing or make its decision solely based on written submissions; provided that it will hold an oral hearing if a party satisfies it that there is a good reason for doing so.

16. Discipline Appeal Committee meetings and hearings are held in camera (i.e. are not open to other members of the College community or the public).

17. While an attempt will be made to schedule an oral hearing at a time convenient to the Discipline Appeal Committee 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 Chair only in exceptional circumstances. Oral hearings will ordinarily be held within six weeks of filing of the Appeal Application. In the case of an oral hearing, if the Secretary of the Board of Directors is unable to contact the Appellant within a reasonable amount of time to schedule a hearing, the Appellant will be notified by registered mail at the address on the Appeal Application of the deadline by which he/she must contact the Secretary of the Board of Directors to arrange a hearing. If the Appellant has not contacted the Secretary of the Board of Directors by the specified deadline, the appeal will be deemed to be abandoned and may not be resubmitted.

18. Each party to an oral hearing will be sent a Notice of Hearing setting out the time, place and purpose of the hearing. If a party does not attend, the Discipline Appeal Committee may proceed in the party's absence.

19. Each member of a Discipline Appeal Committee will vote. There will be no abstentions. A majority of positive votes is required to grant an appeal. The Chair will vote only in the event of a tie.

20. The Chair of the Discipline Appeal Committee may waive any time limits specified herein or any procedures adopted in a given proceeding.

21. The Secretary of the Board of Directors, or the Secretary's designate, shall provide administrative support to the Discipline Appeal Committee.

22. The decision, with reasons, will be filed with the Secretary of the Board of Directors. Copies will be sent to all parties to the proceedings as well as to others with a legitimate need to know (e.g., Enrolment Services, King's University College Security, and Campus Police). If the appeal is denied or if a sanction is varied, a copy of the decision will be retained in the Dean of Students (and in the Faculty of Graduate Studies, in the case of a graduate student) if appropriate, and in the Office of the Academic Dean.

23. The Secretary of the Board of Directors will compile a report annually of the number of appeals, the nature of the appeals and the disposition, with students' names removed. This report will be forwarded to the Dean of Students and appended to the report on offences under the Code of Conduct in the Annual Report of the Dean of Students.

## **Further Appeal**

24. Within 10 business days of the decision of the King's University College Discipline Appeal Committee, either party may appeal to the Principal (or the Principal's designate) on the grounds that the King's University College Discipline Appeal Committee had no power to reach the decision that it did, or that there was a serious procedural error by the King's University College Discipline Appeal Committee that was prejudicial to either party.

25. The appeal must state the full grounds upon which the party relies and all arguments in support thereof. After inviting written submissions from the parties, the Principal (or designate) may dismiss the appeal, grant the appeal or make such other disposition of the matter as they deem appropriate. The Principal's (or designate's) decision is final.

26. Decisions against a student, including appeal decisions, under the Code of Student Conduct are part of the Official Student Record. Official Student Records, in electronic or paper form, contain information pertaining to a student's application, admission and performance at King's University College. These records are maintained by the Enrolment Services. Only suspensions or expulsions will be noted on official student transcripts