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**7.C-2020: Student Non-Academic Misconduct Policy & Procedures**

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**1. Overview**

St. Mary's University (University) is a diverse community, open to all and grounded in the Catholic Intellectual Tradition. It upholds Academic Freedom and the free expression of ideas, opinions and arguments in a setting aimed towards the development of the whole person for engaged and thoughtful citizenship. At the University, student-citizenship is expressed by participation in institutional life in its varied forms. These include both academic and non-academic fora. In each of these, students have rights and privileges accorded them by virtue of their community membership as well as responsibilities to ensure the equitable and just participation of all the University's students in every aspect of university life. While academic conduct is addressed in other university documents (University Calendar, Academic Misconduct Policy), this policy articulates the codes of conduct not strictly limited to academic performance.

**2. Purpose**

This policy explains the University's expectations for Student Non-Academic Conduct, so that all Students can understand their rights, privileges, and responsibilities, make informed decisions about their behaviour, and be accountable for those decisions in a fair manner and to a fair outcome. Non-Academic Misconduct infringes upon the efforts and achievements of other students, detracts from the University's ability to provide a safe and welcoming environment in which to learn and work, and undermines its reputation. Suspected Non-Academic Misconduct shall be investigated and resolved by the University, which may include Disciplinary Action in accordance with this policy and the associated procedures. This Policy defines the principal non-academic offences and procedures for their investigation, any potential discipline related thereto, and its restorative process of justice.

Approval Authority	Responsible Office	Effective Date	Date Last Revisited	Review Frequency
Academic Council	Enrolment & Student Experience	September 28, 2020	September 28, 2020	Every 5 years

### **3. Scope**

- 3.1 This policy applies exclusively to the Non-Academic Conduct of all Students. It does not apply to matters of Academic Integrity, which are covered by the Student Academic Misconduct Policy. All Members of the University Community share responsibility for complying with and enforcing Non-Academic Conduct on campus and as described in item 3.2.
- 3.2 Students formally representing the University off-campus, participating on Travel Study, academic exchange or study abroad programs; participating in an internship, Community Service-Learning placement or practicum; and/or at a university-sanctioned event may be subject to discipline under this Non-Academic Misconduct Policy for behaviour or incidents while representing the University or at such University sanctioned events.
- 3.3 This Policy does not apply directly to non-academic offenses defined under the **Sexual Violence Policy or the Campus Integrity and Human Rights Policy**.

### **4. Students' Rights, Privileges and Responsibilities**

#### **4.1 Students' Rights and Privileges**

- To have the standards for academic and non-academic conduct communicated clearly in a manner understandable to the student pertaining to settings in and out of the classroom.
- To be accorded, to the greatest extent possible, an impartial hearing and review of evidence pertaining to any instance of alleged misconduct.
- For the standards of conduct to be applied equitably, whilst considering the unique settings and situations of individual students.
- To be given access to participation in all aspects of student life at the University.
- To have a case involving alleged misconduct adjudicated within a reasonable time period.
- To have a case involving alleged misconduct adjudicated in accordance with the relevant evidence and free from bias to the greatest extent possible.
- When appropriate, to have representation from relevant student bodies, including access to information and advice from the Student Legislative Council (SLC).

- To have the opportunity to call evidence and witnesses of one's own in any hearing involving an instance of alleged misconduct.

#### **4.2 Students' Responsibilities**

- To be aware of all applicable codes and standards of student conduct and Campus Behaviour.
- To respect the rights and dignity of all members of the University community: students, staff, faculty, volunteers, contractors, visitors and members of the Board or Governors.
- To respect the property of the University and its members.
- To adhere to all relevant codes of conduct detailed in this policy and relevant university documents and to be subject to the procedures outlined involving any alleged violations.
- To uphold the principles of academic integrity outlined in being a citizen of the university.

### **5. Definitions**

In this policy:

- 5.1 "Complaint" means a report alleging a breach of this policy.
- 5.2 "Student Non-Academic Misconduct" means conduct that is prohibited as outlined in this policy.
- 5.3 "Student" means any person registered in a course, program, or degree at St. Mary's University or otherwise taking credit or non-credit courses offered by St. Mary's University, or any person who was a student at the time the alleged breach occurred.
- 5.4 "University" means St. Mary's University.
- 5.5 "Campus" means the physical grounds of the University's campus.

## **6. Definitions of Non-Academic Misconduct and offenses**

### **6.1 Non-Academic Offences (for the purpose of this policy):**

#### **Disruption**

- 6.1.1 Students should maintain the freedoms of all of the University community and visitors and presents including freedom of thought, beliefs, opinion, expression, peaceful assembly and association. Behaviour contravening or limiting these freedoms constitutes Disruption.
- 6.1.2 Student conduct which unduly interferes with research activities, instruction, including scheduled lectures, seminars, tutorials, instructional activities, guest speakers, or with course examinations or other evaluation procedures will also be considered Disruption.
- 6.1.3 Student conduct which unduly interferes with learning and studying in the University Library will be considered Disruption.

#### **Protection of Individuals and Abuse**

Students have a responsibility to help support the University community members' access to the tools they need to engage in their learning and development, both in and outside of the classroom. An example of this type of responsibility is the requirement to abide by the following:

- 6.1.4 Any type of Abuse understood in a broad scope including but not limited to: stalking, bullying, or otherwise engaging in a pattern of behaviour directed at a specific person or group of persons that would cause a reasonable individual to fear for their safety or suffer emotional distress;
- 6.1.5 Assaulting another individual sexually or threatening another individual with sexual assault or committing an act of sexual harassment toward another individual. This type of behaviour will be addressed as per the **Sexual Violence Policy**;
- 6.1.6 Engaging in hazing or any act that harms, or could reasonably be expected to harm the mental or physical health or safety of another person, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization; and

- 6.1.7 Engaging in a course of vexatious conduct, bullying or other harassment that is directed at one or more persons and that is based on grounds outlined in the [St. Mary's University Campus Integrity and Human Rights Policy](#).

**Protection of Property**

A Student shall not:

- 6.1.8 Damage, deface, or destroy the property of another individual, corporation or other entity, including the university;
- 6.1.9 Create a condition that unnecessarily endangers or threatens destruction of the property of another individual, corporation or other entity, including the university;
- 6.1.10 Use University property, facilities, equipment or materials for an inappropriate purpose;
- 6.1.11 Enter or remain in any University building or area without authorization when the building or area is officially closed or restricted for designated purposes or to designated individuals; or
- 6.1.12 Misuse the University electronic communications system or otherwise violate the Electronic Communications Policy.

**False Information and Identification**

A Student shall not:

- 6.1.13 knowingly provide false information to any office or individual acting on behalf of the University or student group;
- 6.1.14 Alter or forge any University document or record, including identification materials, issued by the University;
- 6.1.15 Allow any University document or record, including identification materials, issued for one's own use to be used by another;
- 6.1.16 Use any University document or record other than for its authorized purpose;
- 6.1.17 Act for or on behalf of the University unless expressly authorized to do so;
- 6.1.18 Refuse to provide requested documentation by the University's lead staff related to the student's academic accommodations and other issues associated to student success planning.

**Possession or Use of Dangerous Objects, Drugs or Alcohol**

A Student shall not:

- 6.1.19 Possess, use, manufacture, sell, exchange or otherwise distribute firearms, explosives or other weapons in violation of any applicable law;
- 6.1.20 Possess, use, manufacture, produce, sell, exchange or otherwise distribute any drug in violation of any applicable law or as specified in **St. Mary's Drug and Alcohol Policy**; or
- 6.1.21 Possess, consume, furnish, manufacture, sell, exchange or otherwise distribute any alcoholic beverages except as permitted by applicable law or as specified in **St. Mary's Drug and Alcohol Policy**.

**Aiding in the Commission of an Offence**

A Student shall not:

- 6.1.22 Encourage or aid another Student in the commission of Student Non-Academic Misconduct.

**Infringement of Other Bylaws and University Policies**

A Student shall not:

- 6.1.23 Infringe any provision of the Criminal Code of Canada or any other federal, provincial, or municipal law;
- 6.1.24 Infringe any University Policy except that a violation of the Student Academic Misconduct Policy shall be dealt with under that policy and not as Student Non-Academic Misconduct.

**Failure to Comply with a Sanction**

A Student shall not:

- 6.1.25 Disregard or ignore a sanction imposed in accordance with the Student Non-Academic Misconduct Policy.

## **7. Initiation of Procedures**

- 7.1 Any employee, administrator, Board member, or student of the University who believes a Student has committed a non-academic offence may, by a signed statement, initiate a complaint against that Student ("Complaint").
- 7.2 A Complaint shall be a detailed written description of the incident and shall include all information known at the time of reporting including but not limited to the time, place and persons involved, as well as all relevant information concerning the incident. The Complaint shall be referred as indicated immediately below and copied to others as required.
- 7.3 Referral
  - 7.3.1 Actions that interfere with the teaching, learning and research functions of the University are to be referred to the Dean of the School in which the course involved is offered. See Procedures below.
  - 7.3.2 Actions which interfere with learning and research activities in the University Library are to be referred to the **Vice-President Academic** ~~Director of Campus Services~~. See Procedures below.
- 7.4 All other offences are to be referred to the **AVP Enrolment & Student Success** ~~Director of Facilities, Safety and Security~~. See Procedures below.

## **8. Related Policies and Documents**

- 8.1 ~~Campus Integrity and~~ Human Rights Policy
- 8.2 University Calendar
- 8.3 Bachelor of Education Practicum Handbook
- 8.4 Student Academic Misconduct Policy
- 8.5 **Sexual & Gender Based Harassment & Violence Policy**
- 8.6 Grade Appeal Procedure

**8.7 Drug and Alcohol Use Policy**

**8.8 Cannabis Use Policy**



**Appendix 1: Student Non-Academic Misconduct Procedures**

**1. Purpose**

- 1.1 The purpose of this procedure is to outline the process by which an allegation of Student Non-Academic Misconduct will be investigated, evaluated, and resolved as justice is restored.

**2. Scope**

- 2.1 This procedure applies to allegations of Student Non-Academic Misconduct by a Student. This procedure does not address Academic Misconduct.

**3. Definitions**

In this Procedure:

- 3.1 "Appeal" means an adjudicative hearing to review a decision of Disciplinary Action related to Non-Academic Misconduct.
- 3.2 "Appeal Panel" means the panel established in section 4.6 of this Procedure.
- 3.3 "Dean" means Dean of the School in which the Respondent is registered.
- 3.4 "Complainant" means the Member of the University community making a Complaint.
- 3.5 "Complaint" means a report that alleges Non-Academic Misconduct.
- 3.6 "Confidence Line" means a confidential email service through which Complaints may be reported.
- 3.7 "Disciplinary Action" means an action taken to address Non-Academic Misconduct in keeping with section 4.6 of this Procedure.
- 3.8 "Early Resolution" means the resolution of a Complaint without an Investigation.

- 3.9 “Interim Measures” means reasonable changes made to certain rules, standards, policy requirements, workplace cultures, and physical environments to ensure the ability of Members of the University community to study, work, or engage in other activities without negative effects from others.
- 3.10 “Investigation” means an investigation into an allegation of Non-Academic Misconduct led by the **AVP Enrolment & Student Success** ~~Director of Student Affairs~~ or other individuals.
- 3.11 “Member of the University community” means persons involved in conducting University affairs, including all students, staff, volunteers, contractors, and members of the Board of Governors.
- 3.12 “Warning” means a letter that makes clear that the misbehavior must not be repeated and identifies the consequences of a repeat breach.

#### **4. Procedure Elements**

##### **4.1 Reporting Non-Academic Misconduct**

4.1.1 Any Member of the University community may make a Complaint after experiencing, witnessing or otherwise becoming aware of an alleged incident of Non-Academic Misconduct. Complaints may be reported in person, in writing, by telephone or through the University's Confidence Line to the following individuals or offices:

4.1.1.1 ~~Director of Facilities~~ **Facilities, Safety and Security** (for cases requiring immediate response, outside of normal business hours, or when harm or the threat of harm to others or property damage exists);

4.1.1.2 ~~Student Affairs~~; **AVP Enrolment & Student Success**

4.1.1.3 Instructors, **Area** Chairs, or Deans;

4.1.1.4 ~~Director of Student Affairs~~ **Assistant Vice-President Human Resources** (for cases involving allegations of sexual violence).

4.1.2 All Complaints must be provided by the parties who have received them within ten (10) Working Days to the **AVP Enrolment & Student Success** |

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~~Director of Student Affairs~~, who will determine whether the Complaint can be resolved through Early Resolution or whether an Investigation is required.

4.1.3 On receiving a Complaint, the **AVP Enrolment & Student Success** ~~Director of Student Affairs~~ will coordinate resources such as Wellness and Psychological Services to support those persons affected by the alleged Non-Academic Misconduct, including Complainants, Respondents and other Members of the university Community.

4.1.4 A Complaint made to the University is not the same as reporting the incident to another agency, such as the police. A Complainant may also choose to file a concurrent report with another agency. If criminal charges are filed, the University will cooperate with law enforcement as appropriate.

### 4.2 Early Resolution

4.2.1 The **AVP Enrolment & Student Success** ~~Director of Student Affairs~~ will determine the seriousness of the Complaint and whether it can be resolved through discussion with the Respondent. If the Complaint is resolved in a meeting between the Respondent and the **AVP Enrolment & Student Success** ~~Director of Student Affairs~~ and no further action is required, a record of the discussion will be placed in the student's confidential file in the **Office of the AVP Enrolment & Student Success** ~~Office of Student Affairs~~ and the Office of the Registrar.

### 4.3 Investigating Complaints

4.3.1 Upon receiving a Complaint, the **AVP Enrolment & Student Success** ~~Director of Student Affairs~~ will oversee an Investigation along and in consultation with the Dean into the Complaint, unless the Complaint:

- 4.3.1.1 is deemed to be resolvable through Early Resolution;
- 4.3.1.2 is required to be investigated under a university policy or procedure which addresses the specific conduct (e.g. the Responding to a **Sexual Violence Procedure**);
- 4.3.1.3 is made in bad faith or is intentionally misleading;
- 4.3.1.4 is frivolous or vexatious;
- 4.3.1.5 does not provide sufficient information to permit an Investigation.

4.3.2 The **AVP Enrolment & Student Success** ~~Director of Student Affairs~~ will follow all appropriate University guidelines related to completing the Investigation.

4.3.3 The University may impose Interim Measures to support fair and timely

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Investigations, and/or to ensure security for Members of the University Community. These may include restriction of access or removal from an event or class, as deemed appropriate and reasonable by the **AVP Enrolment & Student Success** ~~Director of Student Affairs~~ along and in consultation with the academic departments or any other department involved in the Complaint.

4.3.4 After investigating the Complaint, the **AVP Enrolment & Student Success** ~~Director of Student Affairs~~ will provide a written report to the appropriate Dean.

4.3.5 The Respondent will be given an opportunity to meet with the **AVP Enrolment & Student Success** ~~Director of Student Affairs~~ to be made aware of the findings of the Investigation and to provide any additional information. In advance of the meeting, the Respondent will be given information regarding supports such as the Student Legislative Council (SLC). The Respondent will also be assigned a support person which normally may be a senior staff member to provide support to the Respondent throughout the Complaint and Resolution processes, including any Appeal procedures. In case of a Respondent who self-identifies as indigenous, the Indigenous Initiatives Coordinator will be assigned to the Respondent as the support person.

#### 4.4 **Exceptional Circumstances**

##### 4.4.1 Multiple Complainants

Where more than one Complainant files a written Complaint against the same Respondent, the complaints may be examined during the same investigation. Where the complaints are strikingly similar, before similar fact evidence is adopted, the **AVP Enrolment & Student Success** ~~Director of Student Affairs~~ must assess the credibility of the complainants to ensure that they have not collaborated to concoct false evidence. In addition, each written complaint shall be individually determined on the evidence without regard to the number of complainants.

##### 4.4.2 Multiple Respondents

A separate written Complaint shall be submitted for each respondent in cases where it is alleged that two or more Respondents engage in Non-Academic Misconduct together. In these cases, the complaints may be examined during the same investigation, but shall be individually determined on the evidence.

##### 4.4.3 Complaints made in Bad Faith and Retaliation

Allegations that a Complaint has been made in bad faith, or that retaliation has occurred, may be investigated during the formal investigation of a

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Complaint. Any evidence in support of these allegations shall be included in the written decision. This information shall also be included in the Report of Findings prepared by the AVP Enrolment & Student Success Director of Student Affairs.

### 4.5 Restorative Resolution

4.5.1 After reviewing a report of an Investigation into Non-Academic Misconduct, either from the AVP Enrolment & Student Success Director of Student Affairs or arising through another University policy or procedure, the AVP Enrolment & Student Success Director of Student Affairs will determine whether Restorative Resolution might be an appropriate method for resolving the Complaint.

4.5.2 The following conditions must be met before Restorative Resolution can proceed:

4.5.2.1 Both the party (or parties) harmed and the Respondent must voluntarily agree to the approach; and

4.5.2.2 The AVP Enrolment & Student Success Director of Student Affairs must be satisfied that proceeding will not risk further harm to the Complainant or other Members of the University community.

4.5.3 If Restorative Resolution is unsuccessful, whether through the failure to reach an agreement or non-compliance with the terms of an agreement, Disciplinary Action may be imposed.

4.5.4 A record of the agreement reached through the Restorative Resolution process, including conditions and follow-up measures, will be retained in the Office of the AVP Enrolment & Student Success Director of Student Affairs and the Registrar for a period of seven (7) years after the last action taken on the file.

### 4.6 Disciplinary Action

4.6.1 If a case is not resolved by Restorative Resolution, the AVP Enrolment & Student Success Director of Student Affairs will render a decision regarding Disciplinary Action along and in consultation with the appropriate Dean and the Registrar. When making this decision, the AVP Enrolment & Student Success Director of Student Affairs will consider the Respondent's disciplinary history and the seriousness of the Non-Academic Misconduct, as well as the Respondent's academic record, including any violations of the Academic Misconduct policy, as background for the determination. The degree of Disciplinary Action should be commensurate with the seriousness of the Misconduct. Repeated acts of Misconduct will entail increasingly severe

penalties.

- 4.6.2 Upon a finding of a breach of the Non-Academic Misconduct Policy, the **AVP Enrolment & Student Success** ~~Director of Student Affairs~~, Appeal Panel or Appeal Board may impose one or more of the following penalties:
- a) Written warning;
  - b) Written reprimand;
  - c) Discretionary Sanction – work assignments, educational assignment, restorative measures, service to the University or other discretionary assignments that are considered appropriate by the **AVP Enrolment & Student Success** ~~Director of Student Affairs~~, Appeal Panel or Appeal Board;
  - d) Letter of Behavioural expectations – an understanding not to engage in certain behaviour and setting out the consequences if the requirements set out in the letter are not followed;
  - e) Monetary compensation for loss, damage or injury or replacement of damaged or destroyed property;
  - f) Monetary fine;
  - g) Exclusion from campus;
  - h) Loss of privileges – denial of specified privileges for a designated period of time;
  - i) Withdrawal from one or more courses;
  - j) Restrictions on participating in a University club or organization or in certain activities of a University club or organization;
  - k) Suspension – suspension of the Student from the University for a specified period of time, after which the Student is eligible to return. A permanent or temporary transcript notation may be placed on the official University transcript. Conditions for readmission may be specified;
  - l) Expulsion – permanent separation of the Student from the University. A permanent transcript notation may be placed on the official University transcript;
  - m) An alert in the University's admission and registration system; and
  - n) Other appropriate sanction as determined by the **AVP Enrolment & Student Success** ~~Director of Student Affairs~~, Appeal Panel, or Appeal Board.

- 4.6.3 The decision will be communicated in writing to the Respondent by the **AVP Enrolment & Student Success** ~~Director of Student Affairs~~, with a copy to the

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appropriate Dean and, in the case of suspension, requirement to withdraw or transcript notation, to the Registrar. **The Director of Facilities** ~~Facilities, Safety and Security~~ will be notified in the case of exclusion from University property.

4.6.4 The decision of the **AVP Enrolment & Student Success** ~~Director of Student Affairs~~ may be appealed only as provided in this procedure.

4.6.5 Students who have received the penalty of Required to Withdraw and who have not successfully appealed the penalty must reapply for admission to the University according to specific program admission requirements, as specified under the Admissions Policy.

#### **4.7 Appeal of Disciplinary Action**

4.7.1 A Respondent who is the subject of Disciplinary Action arising from a finding of Non-Academic Misconduct can appeal the imposition and/or the severity of the disciplinary Action through an Appeal Hearing. The application for an Appeal must be received by the **appropriate Dean** within ten (10) Working Days of the date of letter from the **Office of the AVP Enrolment & Student Success** ~~Student Affairs~~ communicating the Disciplinary Action.

4.7.2 Within fifteen (15) Working Days of receipt of the Appeal notice, the Chair of the Appeal Panel shall call a meeting of the Appeal Hearing.

4.7.3 Prior to the Appeal Panel Hearing, the **AVP Enrolment & Student Success** ~~Office of Student Affairs~~ will take the following steps:

4.7.3.1 Provide a disclosure package to the Respondent, which will include, at a minimum, copies of the letter communicating the Disciplinary Action and the report of the **AVP Enrolment & Student Success** ~~Director of Student Affairs~~;

4.7.3.2 Advise the appropriate Dean and the Appeal Panel members of the need for the Appeal Hearing;

4.7.3.3 Set a day and time for the Appeal Hearing; and

4.7.3.4 Advise the Respondent of the identity of the panel members and the day and time of the Appeal Hearing.

4.7.4 The Appeal Hearing is conducted by an Appeal Panel consisting of:

4.7.4.1 The Vice-President Academic;

4.7.4.2 The appropriate Dean (Chair);

4.7.4.3 A full-time program student appointed by SLC;

4.7.4.4 A member of the instructional faculty appointed by the Faculty Association.

4.7.5 During the Appeal Hearing:

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- 4.7.5.1 The Respondent will normally be in attendance. The Respondent may be accompanied by a support person, who will consult, but will not normally speak on behalf of the Respondent;
  - 4.7.5.2 The Chair of the Appeal Panel shall present all evidence with regard to the alleged Non-Academic Misconduct and outline the rationale for the Disciplinary Action.
  - 4.7.5.3 The Chair of the Appeal Panel has the onus to establish that the Respondent has committed Non-Academic Misconduct.
  - 4.7.5.4 The Respondent shall be given an opportunity to fully answer the alleged Misconduct, and to make submissions regarding the Disciplinary Action that has been imposed.
  - 4.7.5.5 If the Respondent is an individual with any impairment or disability the support person may speak on behalf of the Respondent.
  - 4.7.5.6 Decisions of the Appeal Panel shall be determined by a majority vote of the Appeal Panel and shall be made on the balance of probabilities.
- 4.7.6 The Appeal Panel may decide on either the finding of Non-Academic Misconduct, or the appropriateness of the Disciplinary Action taken, or both.
- 4.7.7 Within ten (10) Working Days of the Appeal Hearing date, the decision of the Appeal Hearing will be communicated in writing to the Respondent by the Chair of the Appeal Panel (Dean), to be retained in the Student's file in keeping with article.
- 4.7.8 This decision letter will indicate whether the finding of Non-Academic Misconduct will be upheld, and whether the Disciplinary Action will be upheld, revised, or overturned.

**4.8 University Appeals Board**

- 4.8.1 The decision of the Appeal Panel may be appealed to the Vice-President, Academic only where:
- 4.8.1.1 There is a procedural error at the Appeal Hearing stage; or
  - 4.8.1.2 The decision of the Appeal Hearing was made in a manner that could be argued to be biased, unfair, or unreasonable; or,
  - 4.8.1.3 New evidence is available.
- 4.8.2 The application for a University Appeal Board must be received by the Office of the Vice-President Academic within ten (10) Working Days of the date of letter



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from the **Chair of the Appeal Panel** ~~Director of Student Affairs~~ communicating the decision of the Appeal Hearing.

4.8.3 Prior to the University Appeal Board, the Chair will take the following steps:

4.8.3.1 Provide a disclosure package to the Respondent, which will include, at a minimum, the letter from the **Chair of the Appeal Panel** - ~~Director of Student Affairs~~ communicating the decision of the **Appeal Panel Hearing**, as well as copies of the materials provided to the Appeal Hearing;

4.8.3.2 Advise the members of the University Appeal Board of the need for the Appeal Board Hearing;

4.8.3.2 Set a day and time for the University Appeal Board Hearing;

4.8.3.3 Advise the Respondent of the identity of the Appeal Board Panel members and the day and time of the University Appeal Board Hearing.

4.8.4 The University Appeal Board comprises the following members:

4.8.4.1 The Vice-President Academic, who will act as Chair; and

4.8.4.2 No fewer than three (3) Public Members of the Board, plus one (1) Student Board member and one (1) Academic Staff Member, upon recommendation by the Board Chair.

4.8.5 Within fifteen (15) Working Days of receipt of the Appeal notice, the Chair of the University Appeal Board shall call a meeting of the University Appeal Board.

4.8.6 During the University Appeals Board Hearing:

4.8.6.1 The only evidence accepted by the University Appeal Board will be the evidence that was presented to the Appeal Panel, and any evidence related to the Appeal Panel's procedure;

4.8.6.2 The Respondent will normally be in attendance;

4.8.6.3 The Chair of the University Appeal Board may call the **AVP Enrolment & Student Success** ~~Director of Student Affairs~~ as a witness.

4.8.6.4 The onus is on the Respondent to articulate the procedural error or to demonstrate that the decision of the Appeal Hearing was made in a manner that was biased, unfair, or unreasonable.

4.8.6.5 The Respondent may be accompanied by a support person, who will consult, but will not normally speak on behalf of the Respondent.

4.8.6.6 Decisions of the University Appeal Board shall be determined by a

majority vote of the Appeal Board ~~Panel~~ and shall be made on the balance of probabilities.

- 4.8.7 The University Appeal Board will give deference to decisions of the Appeal Panel as those decisions relate to the appropriateness of Disciplinary Action. Only Disciplinary Action that is patently unreasonable will be modified, substituted, or overturned.
- 4.8.8 Within ten (10) Working Days of the date of the University Appeal Board Hearing, the decision of the Board will be communicated in writing to the Respondent by the Vice-President Academic, with a copy to the **AVP Enrolment & Student Success** ~~Director Student Affairs~~, to be retained in the Student's file in keeping with article 4.8.1. This decision letter will indicate whether the finding of Non-Academic Misconduct will be upheld, and whether the finding of Non-Academic Misconduct will be upheld, and whether the Disciplinary Action will be upheld, revised or overturned. The decision of the University Appeal Board is final.

#### **4.9 Records Management**

- 4.9.1 The Registrar's office will retain a record of all Non-Academic Misconduct Investigation materials for a period of seven (7) years after the last action taken on the file.

#### **4.10 Related Policies and documents**

- 4.10.1 ~~Campus Integrity and Human Rights Policy~~
- 4.10.2 University Calendar
- 4.10.3 Bachelor of Education Practicum Handbook
- 4.10.4 Student Academic Misconduct Policy
- 4.10.5 Sexual Violence Policy
- 4.10.6 Grade Appeal Procedure