

THIS VERSION IS NO LONGER IN FORCE

Policy Title: Procedures for Addressing Student Non-Academic Misconduct

Date Established: September 15, 2016

Office with Administrative Responsibility: University Secretariat

Approver: President

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1.1 Preamble

The objectives and purposes of the University of Windsor are:

- (a) The advancement of learning and the dissemination of knowledge; and
- (b) The intellectual, spiritual, moral, social and physical development of its members and students and the betterment of society. (University of Windsor Act (1962-63, amended 1969))

The pursuit of these objectives, in a safe and mutually respectful environment, requires that all members of the University community act responsibly and with honesty, trust, respect and fairness at all times. As members of the University community, students are therefore expected to conduct themselves with integrity as illustrated by the Student Code of Conduct, the codes of conduct established by their professional discipline and any other applicable policy or procedures. Any student who commits an act of Non-Academic Misconduct, as defined in these procedures may be disciplined in the interest of safeguarding and upholding these objectives. It is the purpose of these procedures to set out a fair and equitable process by which these standards are upheld.

1.2 Application and Scope

These procedures apply to all students and student groups, including any person who is admitted to, or enrolled at the University of Windsor in any capacity, full-time or part-time, pursuing credit or non-credit studies. These procedures apply regardless of whether the individual is currently registered in courses or is currently a candidate for a degree, diploma or certificate, including between semesters. These procedures also apply to students registered in the Schulich School of Medicine and Dentistry as agreed to by the University of Windsor and Western University. Faculty and staff discipline are covered under the respective collective agreements and personnel policies and practices.

In the absence of a formal written complaint, the University has the right to pursue student non-academic misconduct matters that suggests, for example:

- (a) an incident or a pattern of behaviours that creates an unwelcoming environment and impacts the safety and well-being of the campus community
- (b) behaviour which poses a clear and ongoing threat to others.

In such cases, the University will act as Complainant.

1.3 Mode of Communication

For the purpose of these procedures, all communications (including signatures, notices, memos, invitations, decisions, etc.) may be electronic.

2 Confidentiality

Personal information shall be used in a manner that is consistent with the University's obligations under the Freedom of Information and Protection of Privacy Act (FIPPA).

Complaints brought to the University's attention under these *Procedures* are confidential. Confidentiality must be balanced with the University's legal obligations to address behaviour, so at times information will need to be shared in order to investigate a matter, to address a risk or threat, or to comply with requests from legal entities. The University may also share information about cases with university officials to the extent they require the information to discharge their duties and responsibilities (such as, the Office of Sexual Violence Prevention, Resistance and Support, Campus Community Police, Student Counselling Services, Dean of the Faculty, etc.). This confidentiality requirement extends to the Student, the Complainant, those participating in the process (including witnesses), and to any member of the University community who may be privy to information or who possesses documentation about a complaint or investigation. During the investigation, the Student, the Complainant, and process participants (including witnesses) will be informed that matters under these *Procedures* are confidential and will be directed not to discuss the matter with others. Breaches of confidentiality may be subject to penalties.

Confidentiality should not be confused with anonymity. Those who bring forward a concern and wish for action to be taken on their concern must be prepared to be identified as the Complainant, as part of due process. It is contrary to these *Procedures* for anyone to retaliate, engage in reprisals or threaten to retaliate against a Complainant or other individual for pursuing rights under these *Procedures*, or participating or co-operating in an investigation under these *Procedures*, or being associated with someone who has pursued rights under these *Procedures*. Anyone found to have engaged in such conduct will be subject to sanctions and/or discipline in accordance with the relevant policy.

Seeking confidential advice and/or direction from an appropriate source such as an advisor, legal counsel on appeal, a counsellor, or family member, is not considered a breach of confidentiality.

3 Definitions

In these procedures:

Adjudicator means the Provost (or a designate internal or external to the University) who has final and binding jurisdiction over appeals of Decisions of the Executive Director of the Office of Student Rights and Responsibilities (or designate), with the exception of Decisions to confirm or revoke interim suspension orders and/or exclusion from campus orders under section 9, and expulsions, which require the approval of the President to be final and binding.

Advisor means family member, friend, advocate, or Member of the University Community.

Appellant means Student or Complainant who files a request to appeal.

Executive Director of the Office of Student Rights and Responsibilities (or a designate, internal or external to the University, excluding the Provost) will normally act to investigate and make a decision on Non-Academic Misconduct matters. Where the Executive Director of the Office of Student Rights and Responsibilities is the Complainant or in the event of the absence or inability to act of the Executive Director of the Office of Student Rights and Responsibilities, the President shall designate someone (internal or external to the University (excluding the Provost), to act in the Executive Director of the Office of Student Rights and Responsibilities' place under these procedures on that particular matter.

Complainant means individual who filed the formal complaint.

Decision(s) means finding of misconduct and sanction, a finding of insufficient or lack of credible evidence to substantiate the alleged misconduct, or a finding that there is no misconduct.

Intake Coordinator means individual assigned to receive all non-academic misconduct allegations and who will be responsible for forwarding the complaints to the Executive Director of the Office of Student Rights and Responsibilities (or designate), as appropriate. The Intake Coordinator will also advise on process and on supports available to the Student(s) and Complainant(s).

Investigator means an individual, internal or external to the University, with relevant experience/expertise appointed to investigate allegations of non-academic misconduct. The Investigator is tasked with fact finding and to determine whether the Student, based on a balance of probabilities, engaged in non-academic misconduct as alleged. The Investigator will provide a report to the Executive Director of the Office of Student Rights and Responsibilities (or designate) with their findings.

Legal counsel means a lawyer licensed by the Law Society of Ontario, including an individual working under the auspices of a lawyer such as Community Legal Aid student.

Member of the University Community means any and all faculty members, staff members, students, and members of the Senate and Board of Governors.

Non-Academic Misconduct means all actions that breach the University's bylaws and policies and that are not academic misconduct.

Non-Academic Misconduct Advisory Team means faculty or faculty retirees who serve as advisory and support persons to the Executive Director of the Office of Student Rights and Responsibilities (or designate) in consideration of a non-academic misconduct matter. An Advisory Team will normally be composed of 2-3 faculty or faculty retirees selected from a diverse roster approved by the President (or designate). Advisory Team members will receive and review redacted non-academic misconduct files, as needed, for the sole purpose of providing advice to the Executive Director of the Office of Student Rights and Responsibilities (or designate) on more complex matters.

Office of Sexual Violence Prevention, Resistance, and Support provides confidential support, referrals and assistance to individuals related to experiences of sexual misconduct (within the limits outlined by the Policy on Sexual Misconduct). Staff in the Office of Sexual Violence Prevention, Resistance, and Support will assist individuals to make informed choices and to navigate relevant institutional and community processes, but will not undertake investigations of incidents of sexual misconduct.

Student means individual who is subject to the Non-Academic Misconduct complaint, when *Student* is capitalized.

Subject Matter Expert means an individual appointed by the President (or designate) who is an authority in a particular area or topic, and who will receive and review evidence related to an appeal for the sole purpose of providing professional advice to the Adjudicator (or designate), as needed.

4 Filing Non-Academic Misconduct Complaints

Non-Academic Misconduct complaints may be filed by any Member of the University Community. Such complaints are to be submitted in writing to the Intake Coordinator (intake@uwindsor.ca) by completing the "Report of Non-Academic Misconduct - NA Form 1.1", including all relevant documentation and evidence in their original form, where possible. Copies of submitted materials should be kept as the University will not return submitted materials. A residence incident report, a campus community police report, or a care alert report, where the Assessment and Care Team is recommending that the matter be processed as a non-academic disciplinary complaint, may be used as the complaint. There may be situations where the University has the right to pursue student non-academic misconduct in the absence of a formal complaint. (see paragraph 1)

The Intake Coordinator will forward the complaints to the Executive Director of the Office of Student Rights and Responsibilities (or designate). The Intake Coordinator will also advise on process and on supports available to the Student and Complainant. Depending on the nature of the concern, the Intake Coordinator may refer a matter through the Behavioural Intervention Plan in lieu of consideration through these *Procedures*. The Intake Coordinator also may refer a student to the Assessment and Care Team to follow-up with the needed assessments and supports, while the non-academic misconduct process is unfolding.

In matters under the University of Windsor Policy on Sexual Misconduct, a survivor, as defined in the Policy, may choose not to request an investigation by the University, and has the right not to participate in any investigation by the University that may occur.

5 Procedures in Cases of Non-Academic Misconduct

5.1 Step 1 – Review and Decision by Executive Director of the Office of Student Rights and Responsibilities (or designate)

Executive Director of the Office of Student Rights and Responsibilities (or designate) – Investigation

5.1.1 The Executive Director of the Office of Student Rights and Responsibilities (or designated investigator) shall investigate complaints forwarded by the Intake Coordinator.

During the course of the investigation, new allegations may be identified in addition to the original complaint. The Student will be informed of any new allegations raised against them and provided the opportunity to respond. Allegations against other students also may come to light. In such cases, the Executive Director of the Office of Student Rights and Responsibilities (or designated investigator) will notify the Intake Coordinator where there are new complaints and may consolidate the matters as part of the initial investigation. The Intake Coordinator will ensure that the appropriate documentation is filed per paragraph 4.

5.1.2 As part of the investigation:

- (a) The Executive Director of the Office of Student Rights and Responsibilities (or designate) (or designated investigator) shall meet firstly with the Complainant to clarify any aspects of the complaint (including gathering all relevant documents, asking for any witnesses, *etc.*), review the confidentiality clause (paragraph 2 above), review the investigation process, and review the options for proceeding to a resolution as outlined under 5.1.5 below. In advance of the meeting with the Complainant, the Executive Director of the Office of Student Rights and Responsibilities (or designated investigator) shall inform the Complainant of their right to have an Advisor present at the meeting.
- (b) The Executive Director of the Office of Student Rights and Responsibilities (or designate) (or designated investigator) shall then request a meeting with the Student. Included in the request for a meeting, the Executive Director of the Office of Student Rights and Responsibilities (or designated investigator) shall inform the Student of the purpose of the meeting and their right to have an Advisor present at this meeting, and shall provide the Student with details of the complaint. The Executive Director of the Office of Student Rights and Responsibilities (or designated investigator) will also review, at the meeting, the confidentiality clause (paragraph 2 above), the investigation process including interviewing of witnesses, and the options for proceeding to a resolution as outlined under 5.1.5 below. This shall be done in advance of the Student being questioned on any aspects of the complaint.

In cases where the Student does not respond to the request for a meeting or chooses not to meet with the Executive Director of the Office of Student Rights and Responsibilities (or designate) (or with a designated Investigator), the Student shall be informed in writing that the Executive Director of the Office of Student Rights and Responsibilities (or designate) will be required to make a decision without the Student's input. No finding of misconduct or disciplinary penalty shall be imposed based solely upon the failure of the Student to meet with the Executive Director of the Office of Student Rights and Responsibilities (or designate) (or with a designated Investigator).

- (c) Where the investigation has been assigned to an Investigator, the Executive Director of the Office of Student Rights and Responsibilities (or designate) following receipt of the Investigator's report, also may ask any questions of the Investigator, the Complainant, the Student, and/or any witnesses separately. The Executive Director of the Office of Student Rights and Responsibilities (or designate) shall make a record of any new evidence presented during this stage and shall append the information to the Investigator's report. The Complainant and the Student will be given the opportunity to respond to, or question any, new information before the decision is rendered.

Executive Director of the Office of Student Rights and Responsibilities (or designate) – Consultation

- 5.1.3 Throughout this investigation and adjudication stage, the Executive Director of the Office of Student Rights and Responsibilities (or designate) may also consult with the Non-Academic Misconduct Advisory Team which will receive and review information, free from any identifying information, for the sole purpose of providing advice to the Executive Director of the Office of Student Rights and Responsibilities (or designate).
- 5.1.4 In any case where the Executive Director of the Office of Student Rights and Responsibilities (or designate) does not have specific training or wishes assistance, particularly in the case of sexual misconduct matters, an Investigator specifically trained in dealing with the matter in question will be identified to conduct the investigation. The investigator shall follow the procedures under paragraph 5.1.2 and submit their report to the Executive Director of the Office of Student Rights and Responsibilities (or designate).

The investigation shall be completed within 60 calendar days of having received the complaint. In extenuating circumstances, the Executive Director of the Office of Student Rights and Responsibilities (or designate) has the power to extend this deadline when the interests of justice warrant or where no substantial prejudice would result.

Executive Director of the Office of Student Rights and Responsibilities (or designate) – Adjudication and Decision

- 5.1.5 Throughout the investigation or upon its completion, the Executive Director of the Office of Student Rights and Responsibilities (or designate) may attempt to mediate the matter, with the consent of the Complainant and the Student (and their Advisor).
- 5.1.6 Upon completion of the investigation and where mediation has not been pursued or is not successful, the Executive Director of the Office of Student Rights and Responsibilities (or designate) shall either:
- (a) determine that no misconduct occurred; or
 - (b) determine that there is insufficient or lack of credible evidence to substantiate that the alleged misconduct occurred; or
 - (c) determine that misconduct occurred, and impose a sanction (see section 10 for list of sanctions); or
- 5.1.7 When assessing complaints, the standard of proof will be on a balance of probabilities (*e.g.*, it is more likely than not that the alleged misconduct occurred).
- 5.1.8 Upon a finding of Non-Academic Misconduct and when imposing a sanction, the Executive Director of the Office of Student Rights and Responsibilities (or designate) shall take into consideration, among others:
- the nature and scope of the Non-Academic Misconduct
 - whether there was intent
 - the context in which it occurred
 - the Student's educational and cultural background
 - whether this was a first breach (see 8.1)
 - whether the Student accepts responsibility for their action and is amenable to educative remedies
 - extenuating circumstances that may help explain the action taken by the Student
 - any other aggravating or mitigating factors (health, personal issues, *etc.*)
 - the severity of the breach, including its impact on others (within and outside the university community)
 - and other relevant circumstances
- 5.1.9 The Executive Director of the Office of Student Rights and Responsibilities (or designate) shall inform the Complainant and the Student of the Decision. This shall be done within 30 calendar days following the

completion of the investigation. In extenuating circumstances, the Executive Director of the Office of Student Rights and Responsibilities (or designate) has the power to extend this deadline when the interests of justice warrant or where no substantial prejudice would result. The Executive Director of the Office of Student Rights and Responsibilities' (or designate's) Decision shall include information on the Complainant's and the Student's right to request an appeal of the Executive Director of the Office of Student Rights and Responsibilities' Decision to the Adjudicator (or designate) and the process to be followed.

5.2 Step 2 – Appeal

- 5.2.1 A Student or Complainant may request an appeal of a Decision of the Executive Director of the Office of Student Rights and Responsibilities (or designate). The Student or Complainant shall submit the request for appeal within 14 calendar days of having received the Decision of the Executive Director of the Office of Student Rights and Responsibilities (or designate) to the University Secretariat. The Decision shall be deemed to have been received by the Student and Complainant three calendar days after it has been sent by the Executive Director of the Office of Student Rights and Responsibilities (or designate) to the Student's and the Complainant's UWin email address. The Adjudicator (or designate) has the power to extend this deadline when the interests of justice warrant or where no substantial prejudice would result.

Requests for appeals must be based on one or more of the following grounds:

- a) There was serious procedural error in the processing of the complaint which was prejudicial to the appellant.
- b) There is new evidence, not available at the time of the earlier decision, which casts doubt on the correctness of the decision.
- c) The Executive Director of the Office of Student Rights and Responsibilities' (or designate's) decision is clearly unreasonable or unsupportable on the evidence.

- 5.2.2 An appeal to the Adjudicator (or designate) shall operate as a pause or stay on the Decision of the Executive Director of the Office of Student Rights and Responsibilities (or designate), unless otherwise decided by the Adjudicator (or designate), with the exception of suspension or exclusion from campus orders under section 9, and expulsion orders. In the case of suspension or exclusion from campus orders initiated under section 9, and expulsion orders, an appeal to the Adjudicator (or designate) shall not pause or stay the implementation of the Decision of the Executive Director of the Office of Student Rights and Responsibilities (or designate), unless otherwise decided by the Adjudicator (or designate).

- 5.2.3 The Adjudicator (or designate)'s decision on whether to grant the request to appeal shall be issued no later than 14 calendar days after the Adjudicator (or designate) received the appeal request, and is final and binding. Where the Adjudicator (or designate) grants the request, the appeal normally shall be completed and a Decision rendered by the Adjudicator (or designate) within 60 calendar days of receiving the last appeal submissions or within 60 calendar days of an oral hearing. The Adjudicator (or designate) has the power to extend deadlines when the interests of justice warrant or where no substantial prejudice would result.

6 Appeal Procedures

- 6.1 Appeals may proceed by written submissions or oral hearing at the discretion of the Adjudicator (or designate), with the exception that in cases of alleged sexual misconduct, appeals normally will be heard by written submission, with oral hearings proceeding only in exceptional circumstances as determined by the Adjudicator (or designate). In cases of oral hearings, proceedings shall be arranged so that the Complainant and the Student do not meet face-to-face unless all parties (namely, the Student, the Complainant, and the Executive Director of the Office of Student Rights and Responsibilities (or a designate)) agree to do so. Appeal proceedings shall observe the principles of fairness and natural justice.

- 6.2 The Student, the Complainant, and the Executive Director of the Office of Student Rights and Responsibilities (or a designate) shall:
- have the right to Legal Counsel or an Advisor. The Student and the Complainant shall bear the costs for their legal counsel or Advisor.
 - have the right to respond to arguments presented by the other party(ies).
 - present to the Adjudicator (or designate) all evidence relevant to the matter under appeal, including the original Decision, and any other relevant documents or information.
- 6.3 The Appellant's appeal submission under 5.2.1 shall be submitted to the other Party(ies) who shall be provided with 14 calendar days to respond in writing. The Appellant will then be provided with 10 calendar days to reply to the responses from the other Party(ies). Any subsequent written submissions and their timelines for submission shall be at the discretion of the Adjudicator (or designate).
- 6.4 Order of Proceedings:
- 1) The Appellant's request for appeal which sets out in reasonable detail the grounds for appeal, and includes the Decision of the Executive Director of the Office of Student Rights and Responsibilities (or designate), and any other relevant documents or information previously submitted to the Adjudicator (or designate) will be submitted to the other Party(ies).
 - 2) The other Party(ies) response to the Appellant's arguments, including any other relevant documents or information, will be submitted to the Appellant and Adjudicator (or designate).
 - 3) The Appellant's reply to the other Party(ies) response will be submitted to the Adjudicator (or designate) and the other Party(ies).
 - 4) Where there is new evidence or information provided in the submissions, the Parties shall be given the opportunity to respond. Responses shall be submitted to the other Party(ies) and the Adjudicator (or designate).
 - 5) The Adjudicator (or designate) may limit the number of submissions where further evidence shall be repetitive or irrelevant.
 - 6) The Adjudicator (or designate) may ask any questions and seek clarification of the investigator, the Parties, witnesses, Subject Matter Expert, or any other individual Adjudicator (or designate) deems appropriate. The Adjudicator (or designate) shall make a record of any new evidence presented. The Parties shall be given the opportunity to respond to, or question any new evidence arising from information sought by the Adjudicator (or designate). Any responses shall be submitted to both the Adjudicator (or designate) and the other Party(ies).
- 6.5 In the case of oral appeal hearings, the Parties will be notified at least 14 calendar days before the hearing, of the date, time, and place of the hearing. This notice period may be waived by the Parties in writing.
- 6.6 If a Party, who has been notified of an appeal, is unresponsive or is absent without contacting the Adjudicator (or designate) with a satisfactory explanation, the appeal may proceed in the Party's absence.
- 6.7 No disciplinary penalties shall be imposed based solely upon the failure of the Student to respond to the complaint, or participate in the appeal, or testify. In any such case, the evidence in support of the appeal shall be presented and considered.
- 6.8 The Parties will disclose to each other the names of witnesses they may call to give evidence; however, the Executive Director of the Office of Student Rights and Responsibilities (or designate) may decline to disclose the names of one or more witnesses if the Executive Director of the Office of Student Rights and Responsibilities (or designate) determines, in their discretion, that disclosure of the name(s) in advance may pose a risk to the safety of any witness. The Adjudicator (or designate) may order the disclosure of name(s), where the Adjudicator deems it appropriate.
- 6.9 The Adjudicator (or designate) will have control over their own procedures and may set additional procedures as necessary provided they are not inconsistent with these procedures and provided they are in accordance

with the principles of fairness and natural justice. The Adjudicator (or designate) will have the power to waive or modify deadlines when the interests of justice warrant or where no substantial prejudice would result.

- 6.10 The Adjudicator (or designate) may consult with a Subject Matter Expert, who will receive and review information, which shall be free from any identifying information, for the sole purpose of providing professional advice to the Adjudicator (or designate). Any professional advice provided to the Adjudicator (or designate) by the Subject Matter Expert shall be reported to the Parties who shall be given the opportunity to respond. No identifying information will be submitted to the Subject Matter Expert without the prior consent of the Parties. The Subject Matter Expert may attend an oral hearing with the consent of the Parties.
- 6.11 The Adjudicator (or designate) is not bound by the rules of evidence applicable to judicial proceedings but will be guided by the principles of fairness and natural justice, and will adhere to the rules of privilege and privacy.
- 6.12 Hearings will be closed. At the discretion of the Adjudicator (or designate), others may be permitted to attend the proceedings for training purposes, or other reasonable considerations. The obligation to maintain the confidentiality of the proceedings will be extended to them.
- 6.13 The standard of proof will be on a balance of probabilities.
- 6.14 The Parties will bear their own costs of the proceedings, including the costs associated with retaining legal counsel or an advisor, producing written submissions and/or witnesses, and requesting additional copies of materials already provided. No orders as to costs will be made.
- 6.15 The Adjudicator (or designate) will inform the Parties in writing of the Decision, normally within 60 calendar days of receiving the last submissions or within 60 calendar days of an oral hearing. The Adjudicator (or designate) has the power to extend these deadlines when the interests of justice warrant or where no substantial prejudice would result. Decisions of the Adjudicator (or designate) shall be final and binding, with the exception of Decisions of the Adjudicator (or designate) to confirm or revoke interim suspension orders and/or exclusion from campus orders under section 9, and expulsions, which require the approval of the President to be final and binding.
- 6.16 Decisions shall be confidential, unless otherwise stated by the Adjudicator (or designate). When determining whether a Decision ought not to be confidential, the Adjudicator (or designate) must ensure that, upon redaction, the Student and Complainant remain unidentifiable. Where this cannot be assured, the Decision shall remain confidential. (see paragraph 2)

7 Non-Academic Misconduct and Student Status

Transcripts normally shall not be issued directly to a Student charged with Non-Academic Misconduct while there is a complaint pending. Exceptions to this will be at the discretion of the Executive Director of the Office of Student Rights and Responsibilities (or designate). However, transcripts may be sent directly to institutions, employers and potential employers, upon the request of the Student. If the Student is found to have committed an act of Non-Academic Misconduct and a sanction of suspension and expulsion is imposed which involves a transcript notation, those institutions, employers and potential employers provided with a copy of the Student's transcript shall be sent a revised transcript by the Office of the Registrar.

8 Records of Non-Academic Misconduct

- 8.1 At the conclusion of a matter, the Executive Director of the Office of Student Rights and Responsibilities (or designate) or the Adjudicator (or designate) (as the case may be) shall submit to a central database a record containing the Student's name, Student's number, the nature of the complaint, and the Decision. The confidential record shall be kept indefinitely. The record shall be used for statistical information purposes and to determine, after a finding of Non-Academic Misconduct and before a sanction is imposed, whether there has

been a previous breach. Access to the confidential records in the database shall be restricted to the Intake Coordinator and the University Secretariat. Confirmation of first or subsequent breaches shall be provided upon request to the Executive Director of the Office of Student Rights and Responsibilities (or designate) by the Intake Coordinator and to the Adjudicator (or designate) by the University Secretariat if and when there has been a finding of Non-Academic Misconduct as determined by these persons/bodies.

- 8.2 The length of time for maintaining notations on transcripts, as they relate to sanctions, shall comply with section 10 below.
- 8.3 Where there has been a finding of Non-Academic Misconduct, the file, other than the information listed under 8.1, shall be destroyed upon the expiration of the sanction, provided that the file shall be kept for a minimum of two years beyond its last use.
- 8.4 In the event that of a finding of insufficient or lack of credible evidence to substantiate the alleged misconduct or a finding that there is no misconduct, the Student's discipline file relating to the case, which shall include all records collected for the case, shall be retained for a period of two years and the records shall be destroyed thereafter. No personal identifying information shall be retained following this period. A record containing the nature of the complaint and the dismissal of the complaint shall be kept indefinitely for statistical purposes only.

9 Emergency Measures

- 9.1 Cases of Non-Academic Misconduct should be brought to the immediate attention of the Executive Director of the Office of Student Rights and Responsibilities (or designate), where it is believed that the Student poses an imminent risk to persons or property. The complaint shall take the form of a verbal, written or email report, including all relevant documentation and reference to all material evidence that is available at that time, and shall be submitted to the Executive Director of the Office of Student Rights and Responsibilities (or designate). The Executive Director of the Office of Student Rights and Responsibilities (or designate) shall notify the President immediately upon receipt of such a complaint.
- 9.2 In cases where the Executive Director of the Office of Student Rights and Responsibilities (or designate) considers that the Non-Academic Misconduct complaint presents a reasonable apprehension of risk to persons or property, the Executive Director of the Office of Student Rights and Responsibilities (or designate) shall have the right to issue an interim suspension order and/or exclusion from campus order to the Student which shall be in effect until the completion of the investigation and adjudication of the matter under 5.1 above, subject to any review under 9.4. (see paragraph 9.6)
 - 9.2.1 The interim suspension order and/or exclusion from campus order, with reasons, shall be provided in writing to the Student, the Complainant, and to other university officials to the extent they require the information to discharge their duties and responsibilities (such as, where there are health and safety considerations) (see paragraph 2). The Student shall have the right to seek a review of the order. Information regarding the Student's right to seek a review of the order and the process for so doing shall be included in the written order issued by the Executive Director of the Office of Student Rights and Responsibilities (or designate).
- 9.3 A Student wishing to exercise the right to seek a review of the order under 9.2 shall submit the request for a review in writing with the reasons therefor to the University Secretariat within fourteen calendar days of the decision of the Executive Director of the Office of Student Rights and Responsibilities (or designate).
- 9.4 A request for review of an interim suspension order and/or exclusion from campus order shall be submitted to the Adjudicator (or designate) for the sole purpose of determining whether such an order was justified. The Executive Director of the Office of Student Rights and Responsibilities (or designate) shall be given 7 days to respond to the Student's request for review of the interim suspension order and/or exclusion from campus

order. Within 7 days of receiving the Executive Director of the Office of Student Rights and Responsibilities' (or designate's) response, the Adjudicator (or designate) shall:

- a) confirm, with or without amendment, the interim suspension order and/or the exclusion from campus order pending the investigation and adjudication of the matter in accordance with the procedures set out in sections 5 and 6; or
- b) revoke the interim suspension order and/or the exclusion from campus order pending the investigation and adjudication of the matter in accordance with the procedures set out in sections 5 and 6.

The Decision of the Adjudicator (or designate) to confirm, confirm with amendment, or revoke the interim suspension order and/or exclusion from campus order under this section 9 requires the approval of the President to be final and binding.

- 9.5 A request for a review under 9.4 by the Adjudicator (or designate) of an interim suspension order and/or exclusion from campus order shall not pause or stay the implementation of the decision of Executive Director of the Office of Student Rights and Responsibilities (or designate), except where the Adjudicator (or designate) otherwise orders in response to a specific request from the Student contained in the notice seeking a review of the order.
- 9.6 Regardless of whether the Student seeks a review of the order under 9.2, the alleged non-academic misconduct case that led to the interim suspension order and/or exclusion from campus order shall be investigated and adjudicated in accordance with the procedures set out in sections 5 (Procedures in Cases of Non-Academic Misconduct) and 6 (Appeal Procedures).

10 Sanctions and Transcript Notations

Where there is a finding of Non-Academic Misconduct, as defined in these procedures, one or more of the sanctions listed under 10.1 below may be imposed by the Executive Director of the Office of Student Rights and Responsibilities (or designate) and the Adjudicator (or designate), (with the exception of #8 and #9 which require approval of the President when issued as interim orders by the Adjudicator under paragraph 9.4, and #10 which always requires the approval of the President), taking into account, among others:

- the nature and scope of the Non-Academic Misconduct
- whether there was intent
- the context in which it occurred
- the Student's educational and cultural background
- whether this was a first breach
- whether the Student accepts responsibility for their action and is amenable to educative remedies
- extenuating circumstances that may help explain the action taken by the Student
- any other aggravating or mitigating factors (health, personal issues, *etc.*)
- the severity of the breach, including its impact on others (within and outside the university community)
- and other relevant circumstances

10.1 List of Sanctions

1. **Admonition:** A notice to the Student, orally or in writing, that the Student has violated a rule of conduct and that continuation or repetition of the conduct found wrongful may be cause for more severe disciplinary action. There shall be no transcript notation related to this sanction.
2. **Educational Session:** A requirement that the Student attend an educational session, if available, addressing the Non-Academic Misconduct. (The educational session may be offered by an individual (*e.g.*, Executive Director of the Office of Student Rights and Responsibilities (or designate)) or through a formal workshop offered through an appropriate University office or other organization.) There shall be no transcript notation related to this sanction.

3. **No Contact Order:** An order to the Student prohibiting contact with a person or persons. Specifics of the no contact order shall be provided in the Decision. There shall be no transcript notation related to this sanction.
4. **Censure/Reprimand:** A reprimand for violation of a specified University regulation, including the possibility of more severe disciplinary sanction in the event of conviction for the violation of any University regulation within a period of time stated in the reprimand. There shall be no transcript notation related to this sanction.
5. **Denial of Registration:** A decision to deny the Student permission to register in a course or a program, or to cancel the Student's registration in a course or a program. There shall be no transcript notation related to this sanction.
6. **Restitution:** Reimbursement for damage or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages. There shall be no transcript notation related to this sanction.
7. **Restriction of Access to from Campus Facilities:** Restricting access to facilities including, among others, removing computing privileges, as set forth in the notice of exclusion from specific campus facilities for a specified period of time. There shall be no transcript notation related to this sanction.
8. **Exclusion from Campus:** Denial of access to the campus for Non-Academic Misconduct. This may involve other conditions for removing the ban, which shall be included in the exclusion order. In the case of Decisions of the Adjudicator (or designate) to confirm or revoke interim exclusion from campus orders issued under paragraph 9.4, Emergency Measures, approval of the President is required. There shall be no transcript notation related to this sanction.
9. **Suspension:** Exclusion from classes and other privileges or activities as set forth in the notice of suspension for a specified period of time. In the case of Decisions of the Adjudicator (or designate) to confirm or revoke interim suspension orders issued under paragraph 9.4, Emergency Measures, approval of the President is required. This sanction shall result in a transcript notation for a specified period of time.
10. **Expulsion:** Termination of student status for an indefinite period. The conditions of readmission, if any is permitted, shall be stated in the order of expulsion. Expulsion orders require the approval of the President. A notation shall be placed on the Student's transcript for an indefinite period of time. A Student may apply to the Executive Director of the Office of Student Rights and Responsibilities (or designate) or the Adjudicator (or designate), as the case may be, to request to have the notation of expulsion removed from their transcript three years after the imposition of the sanction. Decisions to remove the transcript notation must be approved by the President.

10.2 Transcript Notations

Sanction notations shall be automatically removed from the Student's transcript upon the expiration of the sanction. With the exception of #10, in cases where placement of a sanction on the transcript will have an adverse impact on current or future employment or on applications to graduate programs, or other post-secondary programs, the Student may appeal to the Adjudicator (or designate) with rationale to have the notation period shortened or the notation removed. The decision of the Adjudicator (or designate) on the Student's appeal to have the notation period shortened or the notation removed shall be provided in writing, with reasons, within 30 calendar days of having received the Student's submissions.

11 Report to President

The President shall be notified of all Non-Academic Misconduct complaints and their dispositions.

12 Related Bylaws and Policies include:

Acceptable Use Policy

Behavioural Intervention Plan

Bylaw 33: Student Rights and Freedoms

Sexual Misconduct Policy

Student Code of Conduct

Residence Handbook

Any and all other bylaws, policies, or procedures governing student conduct