

## Code of Student Conduct

*Effective July 1, 2005*

### List of Abbreviations and Definitions

**Code** means the Code of Student Conduct for Bishop's University

**Corporation** means the Corporation of Bishop's University

**CSC** means the Committee on Student Conduct

**DSA** means the Dean of Student Affairs

**RA** means Resident Assistant

**RLC** means the Residence Life Coordinator

**SCAC** means the Student Conduct Appeals Committee

**SRC** means the Students' Representative Council

**Sanction** means the suspension of or loss of a student's privileges.

**Conduct Probation** means a restriction on a student's activities or behaviour for a specified period, in default of which there is a specified sanction.

**Suspension** means that the student is barred from participating in or attending any and all activities, including academic courses, at the University.

**Dismissal** means that the student is required to withdraw from and leave the University and at the end of the period of dismissal must re-apply for admission and be accepted in order to resume studies at the University.

**Expulsion** means the student is required to withdraw from and leave the University with no possibility for re-admission.

### TABLE OF CONTENTS

#### CODE OF STUDENT CONDUCT

- [Preamble](#)
- [General Principles](#)
- [Jurisdiction](#)
- [General Provisions](#)
- [Rules of Conduct and Offences](#)
- [Procedural Rights](#)
- [Disciplinary Officers](#)
- [Dean of Student Affairs \(DSA\)](#)
- [The Committee on Student Conduct \(CSC\)](#)
- [The Student Conduct Appeals Committee \(SCAC\)](#)
- [Relationship with Champlain Regional College](#)

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#### PREAMBLE

The Bishop's University Code of Student Conduct is based on the expectation that students will conduct themselves in a manner consistent with the educational objectives of the University and consistent with the standards of behaviour and decorum that are appropriate to a University environment. The Code of Student Conduct is intended to identify behaviour which the University considers inappropriate, to outline the procedures that the University will use to respond to this type of behaviour and to indicate the possible consequences of such behaviour.

The Bishop's University Charter of Student Rights and Responsibilities serves as a "community contract" upon which the following document is predicated.

#### 1. GENERAL PRINCIPLES

- 1.1 The fundamental principle underlying all conduct expected of members of the University community is respect for others. A proper measure of respect for others at all times along with courtesy and consideration for others simply is the norm. Having and demonstrating this respect for the institution and its members, whether they are students, faculty, or staff and

showing respect for members of the wider community is taken to be the foundation of this Code.

- 1.2 Students, while they are members of the Bishop's community, enjoy all of the fundamental rights and freedoms as recognized in the laws of the Province of Quebec and in the federal statutes of Canada. The University is not a refuge and students are subject to the laws of the land like any other citizen.
- 1.3 The University does not stand in loco parentis to its student members; it has no general responsibility for the moral and social behaviour of its students as if they were its wards. In the exercise of its disciplinary authority and responsibility, the University treats students as free to organize their own personal lives, behaviours and associations subject only to the law and to University regulations that are necessary to protect the integrity of University activities and the peaceful and safe enjoyment of University facilities and programmes.
- 1.4 Admission to and continued participation in the University as a student is a privilege, it is not a right. In agreeing to be members of the Bishop's University community, students accept a contractual obligation to abide by all of the provisions of this Code. Consistent with this acceptance is the fact that the sanctions contained in this Code involve the suspension of or loss of privileges, up to and including the ultimate sanction which is expulsion from the University. From time to time, sanctions are necessary to preserve the security and proper functioning of the learning environment and the individuals therein.
- 1.5 Students also have a general duty to understand and respect all aspects of this Code and how it may potentially affect them. The procedures contained in this Code are not those found in the courts. In particular, the provisions dealing with representation, evidence, witnesses, onus and most importantly, standard of proof, are not those associated with court proceedings.
- 1.6 The maintenance and proper functioning of this Code require participation and commitment from members of the University community. Consequently, it is the responsibility of all members of the community to report behaviour which is contrary to the provisions of this Code to the appropriate authority.

## **2. JURISDICTION**

- 2.1 The Committee on Student Conduct (the CSC) and the Dean of Student Affairs (the DSA) are empowered to examine and judge all matters of student conduct referred to them by any member of the University community. The CSC shall not hear cases of academic misconduct or harassment.
- 2.2 For the purposes of this Code, the student need only be admitted to the University at the time of the alleged offence. It is understood that this may include the period just prior to registration and the period between fall and winter semesters as well as during a semester of study. If, prior to the initiation or completion of any proceedings under this Code, the student has graduated or has otherwise left the University, disciplinary review may continue if the student registers again or if the alleged offence, if proven, would impugn the validity of the degree conferred.
- 2.3 For adjudication under this Code, the alleged violation will normally have taken place on University premises, either rented or owned, or elsewhere in the course of a University-sponsored activity or event. However, the notion of a Bishop's Community and the association of a student or students with the University is not necessarily restricted to the campus proper. The jurisdiction of the DSA and the CSC may include the larger community including the borough of Lennoxville and other locations where the reputation and legitimate interests of the University may be seen to be negatively affected by the conduct of the student or students concerned.
- 2.4 Complaints concerning a violation of this Code may be made by any member of the University community in relation to the conduct of any student. Where there is reason to believe that an individual's conduct constitutes a threat to the health or safety of members of the community, the University may investigate a violation and make a complaint on its own behalf.
- 2.5 Jurisdiction under this Code extends to students who have counseled or knowingly aided another person or persons in the commission of an offence under this Code.
- 2.6 In certain instances, the provisions of this Code may be applied to alumni and guests of the University.

## **3. GENERAL PROVISIONS OF THIS CODE**

- 3.1 All Bishop's students are expected to conduct themselves at all times in a manner appropriate to an academic community and in conformity with the provisions of this Code. All Bishop's students are subject to the disciplinary authority of the DSA, of the CSC, of the Principal, and ultimately of the Corporation.
- 3.2 All students retain their fundamental rights and freedoms as recognized in the laws of the

Province of Québec and Canada. However, nothing in this Code shall prevent the University from referring an individual matter to the police either before, during or after action is taken by the DSA, the CSC or the Principal, should such referral be deemed necessary. Further, any offence described in Federal or provincial laws which occurs in the University context even if not specifically described in this Code, is considered to be an offence and may be adjudicated by the DSA or the CSC.

- 3.3 The Dean of Student Affairs is responsible for administering the non-academic discipline of all Bishop's students.
- 3.4 The provisions of this Code are intended to be read and applied in conjunction with various other University policies. Examples of these include: the Alcohol Policy, the Residence Handbook, the Calendar, the Charter of Student Rights and Responsibilities, HIV/AIDS Policy, the Policy on Harassment, the Smoking Policy, the Bishop's University Computing Acceptable Use Policy, the Policy for Students with Special Needs. Nothing contained herein shall be construed as limiting the power of action over students coming under these other regulations of the University.
- 3.5 No University regulation concerning student conduct may be changed retroactively to the detriment of any student.
- 3.6 The definitions of onus and standard of proof as well as the rules of evidence applicable in civil and criminal court proceedings shall not apply in this Code or at any meeting of the CSC. So long as the evidence has been obtained in good faith and by reasonable means, it shall be deemed admissible at any meeting of the CSC. All questions of the admissibility of evidence shall be resolved by the Chair of the CSC.
- 3.7 Interpretations of this Code which are at variance with the interpretations in use within the Bishop's University community shall not have force. The Corporation of Bishop's University reserves the right to make final interpretations of all sections of this Code.
- 3.8 The CSC and the SCAC are standing committees. The CSC will report annually to the Committee on Life at the University.

#### **4. RULES OF CONDUCT AND OFFENCES**

Contravention of any of the following rules of conduct will lead to a student appearing for an interview with the DSA and may lead to disciplinary action. These rules, however, are by no means exclusive; any case of unlawful behaviour, or action contrary to the provisions of the Charter of Student Rights and Responsibilities, the Alcohol Policy or any other policy (as mentioned above in Section 3.4) may be brought before the DSA or CSC.

Self-induced intoxication due to the ingestion of drugs, alcohol or any other mind-altering substance resulting in the impairment of an individual's judgment shall not be considered as a defense against sanction under this Code.

##### **4.1 Disruption**

No student shall, by action, threat or otherwise knowingly obstruct University activities. Such activities include, but are not limited to: teaching, research, studying, administration and community service. Disruption which occurs during the teaching of a course shall be addressed, in the first instance, by the faculty member in charge of the course; subsequently the matter may be referred to the DSA.

Nothing in this Code is intended to prohibit student academic freedom, peaceful assemblies, demonstrations, lawful picketing, or to inhibit free speech.

##### **4.2 Unauthorized Entry and or Presence**

No student shall, contrary to explicit instructions, or with intent to damage, destroy or misappropriate University property, or without just cause, knowingly enter or remain in any University building, facility or room or office. Facilities include all University buildings as well as athletic fields, campus areas and parking lots.

##### **4.3 Theft, Damage and Destruction of Property**

No student shall knowingly appropriate, destroy or otherwise damage University property, nor shall any student knowingly take, destroy or otherwise damage any property which is not his/her own on University property. No student shall, in any manner whatsoever, knowingly deface the inside or the outside of any building, nor deface any public property such as statues, art work or public signs.

##### **4.4 Assault, Dangerous Activity, and Abuse**

No student shall:

- 4.4.1 assault another person (including sexual assault), threaten any other person with bodily harm or damage to such person's property, or knowingly and without just cause,

cause any other person to fear bodily harm or fear damage to his or her property, or

**4.4.2** knowingly create a condition which unnecessarily endangers or threatens the health, safety or well-being of other persons or threatens the damage or destruction of property, or

**4.4.3** abuse, in any way whatsoever, another member of the University or a member of the local community (see, as well, Policy on Harassment).

#### **4.5 Possession of Stolen Property**

No student shall, knowingly, possess stolen property.

#### **4.6 Unauthorized or Fraudulent Use of University Facilities, Equipment or Services**

No student shall knowingly use any University facility, equipment or service contrary to explicit instruction or without just cause. No student shall knowingly defraud or abuse the trust of any University office, facility or service.

#### **4.7 False Accusations and Misrepresentation**

No student shall, knowingly, falsely accuse another member of the University community of an offence under this Code or knowingly misrepresent material facts in any matter or proceedings under this Code. Any student who knowingly commits such false accusation or misrepresentation may himself/herself become the object of investigation, adjudication and sanction under this Code.

#### **4.8 Misuse of University Supplies and Documents**

No student shall forge, or without authority, knowingly alter, use, receive or possess University supplies or documents. University supplies and documents include, but are not limited to, equipment, keys, records, files, etc.

#### **4.9 Misuse of the Library**

No student shall knowingly remove books or other library material from the University Library without proper authorization; mutilate or deface library books or material; purposely misplace them or in any other way deprive other members of the University community of the opportunity to have access to library resources, or knowingly behave in a way that interferes with the proper function and use of the Library.

#### **4.10 Misuse of the Computer Facilities**

No student shall knowingly use any University computer without proper authorization or knowingly misuse passwords, code words or similar means of access to computers, or knowingly use the computer facilities in a manner which could interfere with the access or integrity of the accounts of other users. No student shall, knowingly, tamper in any way with any computer application. This includes, but is not limited to, unauthorized copying of copyrighted software, unauthorized entry into University computer programmes or data bases or unauthorized access to the Internet system.

All users must conform to the provisions of the Acceptable Use Policy for computer equipment in force at the University.

#### **4.11 Picketing and Demonstrations**

No student shall, on University property, individually or with a group, including during a rally or picketing:

**4.11.1** knowingly use words or signs which threaten violence or bodily harm to any group or individual whether or not the group or individual thus threatened knows of such threatening words or signs, or

**4.11.2** knowingly use words or signs in a situation of clear and imminent danger which incite others to commit offences under this Code.

#### **4.12 Failure to Identify**

No student shall fail to identify himself/herself with proper University identification (Student Identification Card) upon request of any individual acting in an official capacity such as University Security Officers, Police Officers, the DSA or the Student Residence Staff.

#### **4.13 Other Offences**

Any offence described in Federal or Provincial laws and regulations and which occurs in a University context even if not specifically described in this Code, is nevertheless considered to be an offence that may be liable to adjudication and sanction by the DSA and the CSC.

### **5. PROCEDURAL RIGHTS**

**5.1** Every student has the right to a full and fair inquiry by an impartial tribunal for the

determination of his/her rights under this Code or of the merits of any charge brought against him/her under this Code.

**5.2** Every student is presumed innocent of a disciplinary offence unless he or she is found guilty on the basis of clear, convincing and reliable evidence laid against him or her.

**5.1** Every student who is charged with a disciplinary offence has the right to a full and complete defense against that charge based on the principles of fundamental procedural fairness. This includes the rights:

**5.3.1** to be promptly informed in writing of the substance of the charge,

**5.3.2** to refuse to answer incriminating questions,

**5.3.3** to be accompanied at any meeting on the merits of any charge by an advisor, who may be any member of the University Community who is not a lawyer,

**5.3.4** to present and question witnesses,

**5.3.5** to be assisted by an interpreter if he/she does not understand the language of the proceedings.

**5.4** The University may, after consultation with the CSC, appoint a legal advisor to assist the CSC. Such an advisor shall be considered a neutral observer in the proceedings of the CSC and shall not vote.

## **6. DISCIPLINARY OFFICERS**

**6.1** The members of the University community listed below are the constituted disciplinary officers:

- i. the Principal
- ii. the Vice-Principals
- iii. the Deans of the four Divisions and the Director of the School of Education
- iv. the DSA
- v. the Director of Residence and the Residence Life Coordinator(s) (RLC)
- vi. the Director of Information Technology Services
- vii. the University Librarian
- viii. the Director of Athletics
- ix. the Director of Security and all Officers of the Campus Security Department

**6.1.1** Any disciplinary officer listed above may expressly deputize one or more members of his/her staff to be the disciplinary officers acting on his/her behalf. The names of the deputized individuals shall be communicated in writing to the DSA in September of each year.

**6.1.2** Subject to Section 3.4 above, with respect to matters governed by this Code, these disciplinary officers shall have only the powers, duties and obligations expressly conferred upon them in this section of the Code.

**6.2** Any disciplinary officer listed above, or their deputies, may require a student within their immediate area of jurisdiction, whose conduct therein gives rise to reasonable grounds to believe that the student's continued presence is detrimental to good order, or constitutes a threat to the safety and security of others, to leave immediately and remain away from the area concerned for a period of up to two days. All incidents of this type must be reported to the DSA. No student shall be barred from taking any examination or submitting any academic assignment because of this section of the Code; the DSA shall specify any special arrangements to be made in such cases.

**6.3** In exceptional circumstances, when the disciplinary officer has reasonable grounds to believe that there is a high degree of physical danger to any other person or persons if the student remains on campus and that this danger cannot be remedied by normal means, the disciplinary officer may exclude the student from the campus for as long as reasonably required by the nature of the danger or until the end of the inquiry process. If this action is taken, the disciplinary officer must immediately request that the DSA convene a meeting of the CSC, at which the disciplinary officer must divulge all information concerning the incident(s) involved and obtain a majority approval by the CSC of the ban imposed. The CSC must meet within three days of this request. Any student who has been banned from campus for more than ten days under the provisions of this section may request and be granted a meeting with the CSC within ten days of the taking effect of the campus ban. Such a student may also enter the campus for appointments or meetings with the DSA, meetings of the CSC or meetings with his/her advisor or the University Ombudsman, but will be subject to such supervision as the DSA shall deem necessary.

**6.4 Other Disciplinary Officers and Other Disciplinary Situations**

**6.4.1** All members of the teaching staff who are in the process of giving instruction in a class, lab or seminar and who are confronted with a situation such as described in Section 6.2 or 6.3 above, may ban the student from the classroom or lab or seminar room for the remainder of the class period and for the following two class periods, but not to exceed one week of scheduled classes. In all instances of such a classroom ban, the incident(s) will be reported to the DSA and appropriate Academic Dean.

**6.4.2** The senior invigilator at any examination, when confronted with a situation such as described in Section 6.2 or 6.3 above, shall have the power to exclude the student from the remainder of the exam period. The senior invigilator may also exclude any student from an examination where he/she has reasonable grounds to believe that the student is breaking or has broken or is attempting to break a University examination regulation, e.g. cheating, impersonation, improper use of examination materials, etc. All such cases will be referred by the senior invigilator to the appropriate Academic Dean or Vice-Principal.

**6.4.3** The Director of Residences and Conferences and the RLC(s) shall have similar powers when confronted with situations such as described in Section 6.2 or 6.3 above. In all instances, the incident(s) shall be reported to the DSA.

## **6.5 Security Department**

Any member of the Security Department, when advised by another member of the University community that a situation similar to Section 6.2 or 6.3 above exists and presents an immediate threat to the safety and security of other University community members, may take whatever action is necessary to secure the safety of the threatened individuals. He/she shall then report all details of the incident(s) to the DSA.

## **7. THE DEAN OF STUDENT AFFAIRS**

**7.1** The purpose of the disciplinary structure is to strive toward a consensus concerning what is just in each case. To this end, the DSA, acting under the general power given to him or her may:

**7.1.1** investigate any matter that is referred to him by a complainant or any other member of the Bishop's Community,

**7.1.2** adjudicate such matters and impose appropriate disciplinary measures,

**7.1.3** attempt to resolve cases in an informal manner, and where all parties are in agreement, impose sanctions he/she may deem appropriate including, for example, apologies, restitution, mediation or counselling,

**7.1.4** recommend to the complainant that the matter be referred to the CSC for formal adjudication, or

**7.1.5** refer the matter to the CSC if he/she believes the matter to be sufficiently serious.

**7.2** Any member of the University community may refer a matter of student misconduct to the DSA. If the matter is already under the purview of the DSA or of the Committee, the DSA shall advise the complainant of this fact. Normally, all complaints must be made in writing to the DSA or to the Director of Security not later than ten days after the incident(s) occurred.

**7.3** The DSA in consultation with the Chair of the CSC may refuse to take action on a complaint which is found to be frivolous, vexatious or unfounded or when an unreasonable delay has occurred between the alleged event(s) and the written complaint.

**7.4** The DSA or the Director of Security may investigate any non-academic offence. Reports of student misconduct may also be submitted by any member of the University to the DSA and reports may be received independently from the Director of Security.

**7.5** Following the investigation of a complaint and where a respondent has been identified, the DSA or the Director of Security will make a written report of the incident(s) which shall include: the name(s) of the alleged respondents and complainant(s), the facts and allegations involved in the incident(s), the names of witnesses to the incident(s) and any other pertinent information, e.g. an estimate of the costs to repair damage to University facilities.

**7.6** Normally, the DSA, and/or the Director of Security, will interview the alleged respondent(s) privately to inquire into the alleged offence(s). Before the interview takes place, the DSA or the Director of Security shall inform the alleged respondent that the interview is required and shall set a time and date for the interview. Notification shall be by printed summons, telephone, e-mail or registered internal mail during the regular semesters and by registered external mail during all other time periods. In the event that the student fails to appear for the interview, the DSA may proceed to sanction the student in an appropriate manner. All results of interviews conducted by the Director of Security will be forwarded to the DSA.

**7.7** If, before the interview takes place, the DSA or the Director of Security determines:

**7.7.1** that there are insufficient facts or information to bear out the allegation, or

**7.7.2** that the act(s) involved do not constitute an offence under this Code, or

**7.7.3** that the restitution already performed is deemed sufficient with respect to the alleged incident(s),

then no further action will be taken and the interview will be cancelled.

**7.8** At the conclusion of the interview, the DSA shall either refer the case to the CSC or do one or more of the following:

- i. exonerate the student,
- ii. reprimand the student,
- iii. levy a fine, not to exceed \$500,
- iv. require a security bond, not to exceed \$500,
- v. require up to 6 hours per week of non-academic community or university service, for a specified period,
- vi. require the student to rectify any situation that he/she has created (eg. by letters of apology,
- vii. require the student to make monetary restitution for any damages caused,
- viii. place the student on conduct probation.

**7.9** In more serious cases or cases involving repeated offences under this Code or where the DSA has reasonable grounds to believe that the student's presence on campus poses a threat to the personal security and safety of any other member of the University community, the DSA may immediately restrict a student from appearing on campus for a period up to 30 days on conditions that the DSA determines are necessary. If the DSA chooses this option, he/she shall immediately inform the Chair of the CSC who will convene a meeting of the CSC within seven days to review the restrictions placed on the student. At this meeting, the DSA will divulge all aspects of the case and give his/her reasons for imposing the restrictions. Temporary restrictions may be extended by the CSC pending the completion of proceedings under this Code. However, restrictions will be adjusted in order to allow the student to attend all required examinations and to submit all academic work due during the period of restriction.

**7.10** In all cases where a complaint has been received, the incident(s) will be documented fully and these documents will be maintained as part of the student's file in the Office of the DSA. All such information and documents collected are subject to the provisions concerning the Emergency Release of Personal Information as adopted by the University and in accordance with La Loi sur l'accès, R.S.Q. (ch A-2.1) and will be kept by the Office of the DSA until the student either graduates or leaves the University.

**7.11** Once a decision has been taken by the DSA, the student will be informed as soon as possible in writing along with an indication of the student's right to contest the decision or the sanction before the CSC. Upon receipt of the letter in which the decision is given, the student has ten days to inform the Chair of the CSC that he/she wishes to contest the decision.

## **8. THE COMMITTEE ON STUDENT CONDUCT**

**8.1** The Committee on Student Conduct shall consist of the following five members:

- i. the Chairperson, or the alternate Chair, both to be named by the Principal and to be drawn from the permanent employees of the University; and
- ii. the Vice-President, Internal Affairs of the SRC and one other student appointed by the SRC (the SRC will also name two alternates for the student members); and either:
- iii. the Residence Life Coordinator and a member elected by the Student Safety Team, or
- iv. the Assistant Director of Security and one R.A. elected from amongst the R.A.'s.

The term of office for the student members shall be a maximum of two years; the term of office for the R.A. shall be two years maximum and the term of office for the Chair shall be five years maximum. The Chair is responsible for seeking replacement of CSC members should the situation arise.

### **8.2 Eligibility**

- i. No individual member of the CSC can serve if they are involved in the case as complainant, respondent or witness.
- ii. No individual can serve on the CSC who has been found guilty of an offence in front of the CSC.
- iii. No individual member can serve on the CSC who is in a position of bias or conflict of interest (financial gain, kinship relation, close personal friendship).
- iv. All student members who serve on the CSC must be and remain students in good

### **8.3 Quorum**

A quorum shall consist of any four members of the CSC including the Chair. Every effort shall be made to ensure that a consistent quorum of members follows each case to its conclusion. The CSC is authorized to extend the terms of members for this purpose.

### **8.4 Secretary**

The Office of the DSA shall make provision for a CSC Secretary who will record the minutes of all meetings, however, the Secretary shall not participate in the discussions and shall not have a vote.

**8.5** The CSC will be active from the first day of the Fall semester to the last day of the second term of summer school. Cases arising outside this period will normally be heard at the beginning of the following semester.

### **8.6 General Powers**

The general powers of the CSC shall be:

- i. to hear all cases referred to it by the DSA,
- ii. to review the type and severity of sanctions imposed by the DSA, and
- iii. to hear complaints filed by members of the University community concerning student behaviour.

The CSC shall not hear cases involving harassment or academic misconduct.

### **8.6 Decisions**

Decisions of the CSC shall be by simple majority of the voting members.

### **8.8 Procedures in CSC**

**8.8.1** The Chair of the CSC, having received a case from the DSA or another complainant, or having received notice that a student is contesting a sanction imposed by the DSA, shall convene the CSC; shall set the time, dates and locations for all meetings; and shall arrange for the presence of the secretary and for the recording of all meetings.

**8.8.2** The CSC will hear all parties to the complaint and those witnesses who are pertinent to the case at hand. The Chair shall prepare the list of witnesses and shall provide this list to the members of the CSC and to each party in advance of the hearing. Witnesses shall be restricted to reporting the facts pertinent to the incident or accusation in question. No character witnesses shall be heard by the CSC.

**8.8.3** Normally, complainants and respondents will speak for themselves. Complainants and respondents may, however, be accompanied by a representative or an advisor from within the Bishop's community who is not a lawyer.

**8.8.4** The respondent shall be notified by the Chair of the CSC of the nature of the complaint against him/her and the date that he/she is to appear before the CSC. A period of at least seven calendar days shall be allowed between the incident and any meeting involving the respondent and the CSC. All notices will be hand delivered or sent by internal registered mail except during the summer months, notices will be sent by external registered mail.

**8.8.5** It is expected that those summoned, including complainant, respondent and witnesses, will attend meetings of the CSC in person. In exceptional circumstances, the Chair may, instead, accept testimony from a complainant or witnesses in the form of a written statement. The respondent will in this instance be notified of this fact and should they request it, be given the opportunity to rebut such testimony.

**8.8.6** In the first instance, the parties to the complaint shall be interviewed separately by the CSC at which time they may make oral representations and refer to the relevant evidence. This procedure does not preclude a face-to-face meeting if all parties agree.

**8.8.7** General minutes shall be taken of the meeting and of all oral testimony and of all motions of the CSC. Copies of the minutes will be provided to all parties upon request.

**8.8.8** All oral testimony will be recorded. The recording will be made available to the complainant and to the respondent, upon request, and they may respond in writing within five days of receiving a copy of the recording.

**8.8.9** All documents, written and oral testimony, evidence, deliberations and minutes of the CSC are confidential to the CSC and to the parties involved, and all participants are enjoined to respect this confidentiality

**8.8.10** Each CSC shall establish its own modus operandi. However, the following sequence

is a general guideline:

- a. introduction of the complainant, the respondent, and members of the CSC.
- b. review of documentation.
- c. rulings on documentation or further evidence necessary.
- d. review of the list of witnesses.
- e. statement by the complainant(s), questions from members of the CSC.
- f. statement by the respondent(s), questions from members of the CSC.
- g. statement(s) from the witnesses in the sequence decided by the Chair and questions from members of the CSC.
- h. re-calling of the complainant, respondent, or any witness, if necessary, for clarification of information only by members of the CSC.

**8.8.11** All meetings of the CSC shall be held in closed session. Observers are excluded unless all parties agree otherwise. No one may record the proceedings without the consent of the CSC.

**8.8.12** Witnesses will be heard separately and all witnesses will be excused before any deliberations leading to a decision by the CSC.

**8.8.13** If the respondent fails to attend the meeting the Chair may proceed in the student's absence or, at the Chair's discretion, postpone the start of the meeting. If the meeting proceeds in the respondent's absence, all rights contingent on the student's presence (with the exception of the right to have an advisor plead for postponement), are forfeited. In such a case, the respondent's right of appeal with respect to an inquiry in the first instance is limited to a consideration of the reasonableness of his/her excuse for not appearing.

#### **8.8.14 Documents**

**8.8.14.1** Copies of all documents submitted by each party to the Chair will be made available to all members of the CSC, to the complainant and to the respondent during the meetings.

**8.8.14.2** Any part of academic, counselling or medical records may be submitted with the concerned party's consent, if found relevant to the case. Rulings on relevance will be made by the Chair.

**8.8.14.3** All incident reports pertinent to each case kept by the DSA or the Security Department are admissible as evidence before the CSC.

**8.8.14.4** All documents provided by either party will become evidence for the CSC unless one party objects on the grounds that such documents are forged or false or made with malicious intent. Such documents may become evidence before the CSC only after the CSC receives written confirmation of their authenticity by the original author. The CSC reserves the right to accept or reject all documents.

**8.8.14.5** The CSC will request written evidence concerning the alleged incident(s) from all parties including the DSA and the Director of Security.

**8.8.14.6** The CSC will reserve the right to request written or oral evidence from any other party and to request and receive any other document it deems may assist in its deliberations and all such evidence shall be made available to all members of the CSC, to the complainant and to the respondent.

**8.8.14.7** In the case of new documents brought to the CSC during the meeting, both parties and all members of the CSC will have the right to review such documents before proceeding with the case.

**8.8.14.8** Following the CSC's final decision in each case, all documents including the written evidence and the recorded oral testimony will be retrieved by the Chair and, together with the minutes, shall be deposited in the Office of the DSA where they will be made available to the CSC members, to the complainant and to the respondent. The DSA shall arrange for the safe-keeping of all CSC documents until such time as the appeals process is finished and until the student graduates or otherwise leaves the University.

#### **8.8.15 Onus and Standard of Proof**

The onus is on the complainant and/or the University to establish that the respondent was responsible for the incident(s) or events in question. The standard of proof to be used by the CSC shall be the "balance of probabilities" or "preponderance of evidence". By this is meant "more likely than not" in the sense that an unbiased observer, having reviewed all the evidence and having heard all sides of the story should, in the end, be able to say: "the fair decision in this case is 'X' more likely than not".

**8.8.16** At the end of its deliberations, the CSC shall decide on the complaint and impose any sanction it sees fit. The CSC may do one or more of the following:

- i. exonerate the student,
- ii. reprimand the student,
- iii. levy a fine not to exceed \$500,
- iv. require a security bond not to exceed \$500,
- v. require up to 6 hours/per week of non-academic community or university service, for a specified period,
- vi. require the student to rectify any situation that he/she has created (eg. by letters of apology,
- vii. require the student to make monetary restitution for any damages caused,
- viii. place the student on conduct probation,
- ix. require a campus ban, including specified areas of the campus and a specified time period,
- x. suspend the student for a period not to exceed one year,
- xi. dismiss the student for a period up to three years, after which he/she may apply for re-admission,
- xii. expel the student with no possibility for re-admission.

**8.8.17** Normally, the CSC will make its decision within thirty days of receipt of the complaint. Once the decision is made (and subject to 8.8.19), the Chair of the CSC shall forthwith, but within the next seven days, inform the complainant, the respondent and the DSA in writing of the CSC's decision. Should they so decide, the complainant and the respondent shall then have a period of seven calendar days to appeal the decision of the CSC. Requests for such an appeal will be forwarded in writing to the Chair of the SCAC.

**8.8.18** All sanctions imposed by the CSC, with the exception of expulsion, shall take effect at a starting time as decided by the CSC. The CSC may, at its discretion, take into account the period of time during which the student may have already been under restriction. The DSA shall be responsible for the implementation of these sanctions.

**8.8.19** Where the decision of the CSC is to expel the student, this decision shall be forwarded to the Principal for confirmation. The Principal, having reviewed all aspects of the case, may then remit or mitigate the sanction when he/she considers it warranted. The Principal shall communicate his/her decision to the complainant, respondent, and the DSA with a copy to the chair of the CSC within seven calendar days of receiving the decision from the CSC. The complainant and the respondent then have the right to appeal the decision of the Principal to the SCAC within seven calendar days. Requests for such an appeal will be forwarded in writing to the chair of the SCAC.

## **8.9 Confidentiality**

**8.9.1** All hearings and deliberations of the CSC, as well as documents, evidence, and testimony, are strictly confidential to the CSC. Beyond the CSC's annual public report and educational efforts, all CSC members will respect the strict confidentiality of the proceedings of the CSC. Should there be a breach of confidentiality, the Chair can request that the member(s) responsible step down from the Committee.

**8.9.2** Once proceedings of the CSC have begun, the Chair will inform all parties in writing of the confidential nature of the case involved. Except for purposes of the inquiry no action shall be taken by any person involved in the proceedings that would divulge the identity of individuals or the nature of the complaint in question. Such actions would be a direct violation of this Code and would be, therefore, subject to disciplinary action by the DSA.

## **9. THE STUDENT CONDUCT APPEALS COMMITTEE**

**9.0** The Student Conduct Appeals Committee (SCAC) shall consist of three individuals: one student who is not a member of the CSC to be named by the SRC, one faculty member named by the Faculty Council, and one Officer of the University who is not a member of the CSC and who shall be named by the Principal. Alternates for these three members shall also be named. The rules for eligibility, length of the SCAC year, extension of terms, replacement of members and terms of office shall be the same as that for the CSC except that the term of office for the faculty member shall be five years maximum. The Officer of the University shall act as the SCAC Chair.

### **9.1 Quorum**

A quorum shall consist of all three members of the SCAC.

### **9.2 Secretary**

The Office of the DSA shall make provision for a SCAC Secretary who will record the minutes of all meetings. The Secretary shall not participate in the discussions and shall not have a vote.

**9.3** All meetings of the SCAC shall be held in closed session.

#### **9.4 Powers**

The general power of the SCAC shall be to hear appeals of decisions made by the CSC or, when decisions of the CSC have subsequently been modified by the Principal, to hear appeals of such decisions by the Principal.

#### **9.5 Filing an Appeal**

**9.5.1** An appeal of a decision must be filed with the Chair of the SCAC within seven calendar days of receiving notification of the decision from either the CSC or the Principal.

**9.5.2** The appeal may be from either complainant or respondent but in either case shall be written and signed and state specifically the grounds for appeal and the remedy sought.

**9.5.3** Unless the SCAC decides that there is a compelling need for further clarity or the grounds for appeal involve new evidence, no new documents will be considered by the SCAC that were not before the CSC.

**9.5.4** Within seven calendar days of receipt of the request for an appeal, the Chair of the SCAC will, acknowledge the request and notify the other parties. Within ten calendar days, the Chair shall convene a hearing of the SCAC. Five calendar days notice will be given to all parties of the date of the first meeting of the SCAC.

#### **9.5.5 Grounds for Appeal**

The SCAC has the power to hear an appeal against a decision of the CSC or the Principal, only for the following reasons:

- i. errors of fact in the information used by the CSC or the Principal which could affect the decision rendered; or
- ii. new evidence not available to the parties at the time of the decision of the CSC or the Principal; or
- iii. serious and prejudicial procedural defects; or
- iv. action by the CSC, or the Principal beyond their jurisdiction.

#### **9.6 Procedures**

**9.6.1** The SCAC shall establish its own procedures and these, at a minimum, shall preserve all rights as described in Section 5 (Procedural Rights) above. The SCAC shall observe the basic principles of procedural fairness.

**9.6.2** The SCAC may hear testimony from the Chair of the CSC where significant procedural error is alleged as the grounds for appeal.

**9.6.3** The SCAC will have access to all of the recorded testimony, documents and minutes of the CSC.

**9.6.4** All oral testimony will be recorded. The recording will be made available to the complainant and to the respondent, upon request, and they may respond in writing within five days of receiving a copy of the recording.

#### **9.7 Decisions**

**9.7.1** Decisions shall be by simple vote of the SCAC; two positive votes are necessary to carry any decision. All votes shall be recorded in the minutes.

**9.7.2** The SCAC may decide:

- i. to return the case to the CSC for further review; or
- ii. to uphold the decision of the CSC or the Principal, or
- iii. to fashion any other remedy as it sees fit.

**9.7.3** The SCAC shall normally render a decision on the appeal within one month of the request for appeal.

**9.7.4** The Chair of the SCAC will report its decision to the complainant, the respondent, the Chair of the CSC, the DSA and the Principal within five calendar days of the rendering of the decision.

**9.7.5** In the case of a dismissal or an expulsion that is upheld by the SCAC, the sanction will take effect from the date of the original decision of the CSC or the Principal. In the case of a campus ban or suspension, the SCAC may, at its discretion, adjust the sanction to take into account the period of time during which the student may have already been

under restriction.

**9.7.6** The decision of the SCAC will be final and binding on all parties.

#### **RELATIONSHIP WITH CHAMPLAIN COLLEGE**

In cases of misconduct involving students from both Champlain College, Lennoxville and Bishop's University, the Champlain students will be dealt with by the Director of Student Services (Champlain College, Lennoxville) and those from Bishop's will be handled by the Dean of Student Affairs (Bishop's) according to the policies in effect at their respective institutions.