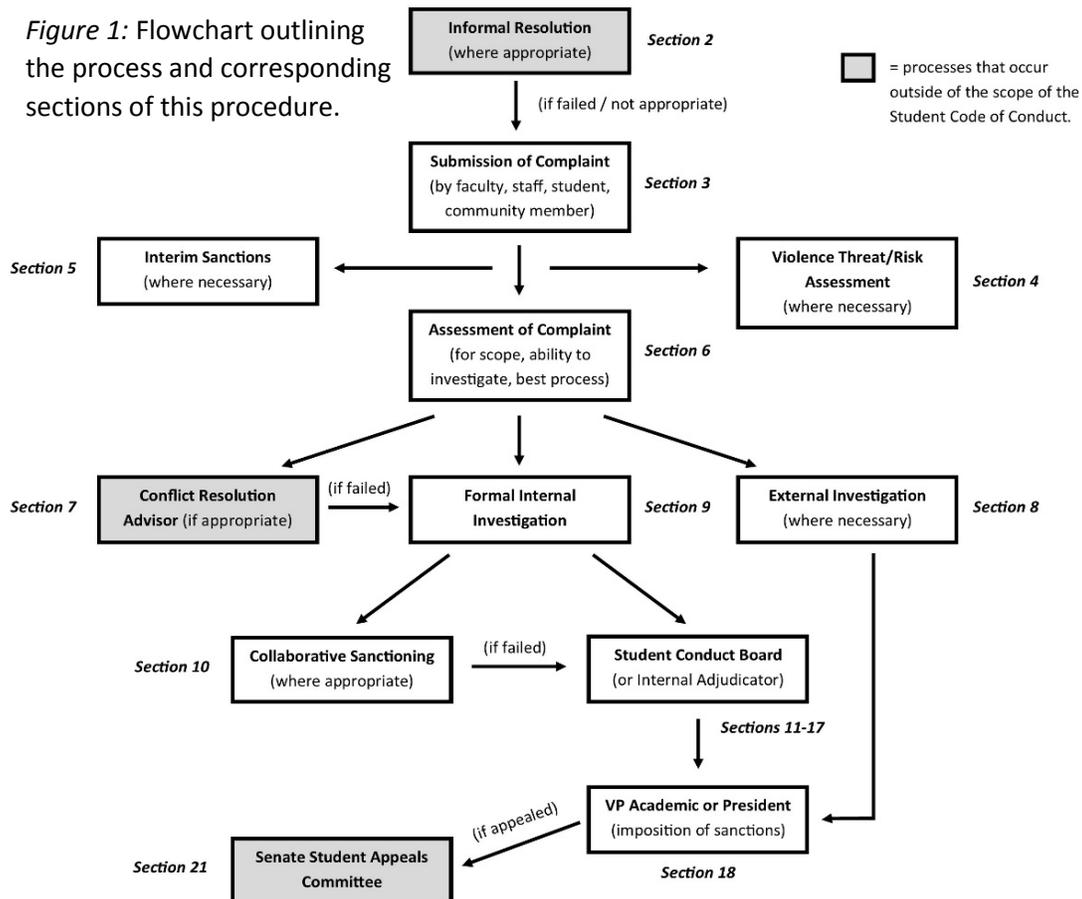


 <b>CAPILANO UNIVERSITY</b>	Procedure Number	Officer Responsible
	<b>B.701.2</b>	<b>Vice President, Academic and Provost</b>
	Policy Name	
	<b>Student Code of Conduct Procedure</b>	
Policy This Procedure is Under		Date of next Policy Review
<b>Student Code of Conduct (B.701)</b>		<b>2019</b>
Date Issued	Date Revised	Related Policies, Reference
<b>April 26, 2017</b>		<b>Student Code of Conduct; Student Conduct Board Mandate and Structure; Sexual Violence &amp; Misconduct Policy; Harassment Policy; Senate Student Appeals Committee; Standards of Conduct; Responsible Use of IT; Vision, Values, Mission, Goals, &amp; Strategic Directions</b>

## 1. PURPOSE

- 1.1. The procedures outlined in this document are designed to support the University's commitment to providing a welcoming, respectful, and safe learning community as outlined in Policy B.701 – Student Code of Conduct. These procedures form the framework by which the Office of Student Affairs and senior administrative team address incidents and allegations under Policy B.701. In addition, these procedures are meant to inform employees and Students who are taking part in the Student Conduct process in any capacity.

Figure 1: Flowchart outlining the process and corresponding sections of this procedure.



## **2. INFORMAL RESOLUTION & ROLES OF FACULTY/STAFF**

- 2.1. The University encourages informal resolution of Minor Misconduct. Consequently, these procedures are designed to support rather than replace a faculty or staff member's ability to respond to Conduct that affects the learning or work environment, but does not pose a significant risk.
- 2.2. In instances of Minor Misconduct, faculty and staff members are encouraged to speak with the Student(s) to encourage reflection and facilitate change in behaviour. The faculty or staff member may also issue an informal warning to the Student(s). If these efforts are unsuccessful, the matter shall be reported to the Office of Student Affairs.
- 2.3. Faculty and staff members may also request that a Student leave their classroom or office for the remainder of a class or meeting in situations where behaviour is too disruptive to be corrected at that moment. The faculty or staff member must contact Campus Security immediately if the Student does not comply or the situation has the potential to become unsafe.
- 2.4. Faculty may not, under this Policy, impose academic penalties against Students for reasons related to non-academic Misconduct. Where the specific Conduct is also covered under the Cheating and Plagiarism Policy (S1999-01), the instructor will follow that process in delivering sanctions.
- 2.5. Instances of informal resolution may be reported to the Office of Student Affairs by the faculty or staff member for record-keeping purposes. The Office of Student Affairs reserves the right to take further action after an incident has been resolved informally, where there is evidence of repeated or escalating Misconduct.
- 2.6. Faculty and staff are encouraged to contact the Manager, Student Affairs and Services for questions or advice related to matters of Student Conduct.
- 2.7. In situations where Members of the University Community feel unable to resolve an incident informally, the University encourages alternative dispute resolution prior to the submission of a complaint under this Policy. The Conflict Resolution Advisor is available to discuss communication and problem solving, provide tools, and facilitate mediation.

## **3. SUBMISSION OF COMPLAINTS**

- 3.1. Allegations of Misconduct by a Student can be made to the Office of Student Affairs by any Member of the University Community. Reports by persons or agencies unrelated to the University may be considered on a discretionary and case-by-case basis where the reported behavior affects the working and learning environment of the University and the behaviour falls within the scope and jurisdiction of Policy B.701.

- 3.2. The Student Affairs Officer (or designate) is responsible for the receipt of complaints and will take the necessary steps to ensure that all information required to make an initial assessment of the complaint is collected. This may include requesting an oral and/or written statement from the Complainant(s) as well as the identification of additional Witness(es) and physical evidence.
- 3.3. The University will make reasonable efforts to keep confidential the name(s) and details associated with a complaint to the extent possible under applicable legislation, regulation, University policy, and collective agreements. However, disclosure may be required for the University to investigate or take disciplinary action. Confidentiality is not the same as anonymity, and Respondent(s) will, in most cases, be entitled to know the name(s) of the Complainant(s).
- 3.4. Submission of a complaint under Policy B.701 does not preclude the Complainant(s) from filing additional complaints related to the same matter under a separate policy, with an external law enforcement or investigative agency, or through the pursuit of legal action.

#### **4. VIOLENCE THREAT/RISK ASSESSMENT (V-TRA) PROTOCOL**

- 4.1. At any time during the investigation or adjudication of a complaint, it may become necessary to refer the matter to the Violence Threat/Risk Assessment (V-TRA) Protocol. The V-TRA Protocol is used to identify indicators that suggest a person of concern may be moving on a pathway towards violence against him/herself or others and to intervene to decrease that risk, prevent injury, and support the individual in receiving the help needed to address the issues contributing to the high-risk behaviour.
- 4.2. Actions taken under the V-TRA Protocol will normally occur concurrently to any investigation or adjudication being pursued under Policy B.701. In circumstances where decisions made under the V-TRA Protocol may significantly impact the direction or outcome of Student Code of Conduct proceedings, the Office of Student Affairs may choose to halt or delay said proceedings.
- 4.3. Recommendations made under the V-TRA Protocol may be used to inform the process utilized and sanctions (both interim and/or final) assigned as detailed in the subsequent sections. The V-TRA Protocol does not replace or limit the requirement for formal investigation and finding of fact under Policy B.701.

#### **5. INTERIM SANCTIONS**

- 5.1. The authority to impose an interim (temporary) sanction rests with Manager, Student Affairs and Services, Manager, Campus Security (Facilities), and/or the Vice-President, Academic and Provost (or designate).

- 5.2. Interim sanctions are to be communicated in writing to the Respondent(s) in a timely manner after the determination has been made.
- 5.3. Interim sanctions will remain in effect until satisfactory resolution as per these procedures is achieved, or at the discretion of the Manager, Student Affairs and Services, the Manager, Campus Security (Facilities), or Vice-President, Academic and Provost (or designate).
- 5.4. Where the incident involves law enforcement or other internal or external investigations, interim sanctions may remain in effect until all relevant investigations are concluded.
- 5.5. Interim sanctions may be appealed by written letter directly to the President at any point during which the sanction remains in place. Appeals can only be made on the grounds of proportionality of the sanction to the reported Misconduct and/or the extent to which the reported Misconduct warrants the imposition of an interim sanction. The President may choose to uphold, modify, or remove an interim sanction. The decision of the President is final.

## **6. ASSESSMENT OF ABILITY TO PROCEED TO INVESTIGATION**

- 6.1. When a complaint is received by the Office of Student Affairs, the Student Affairs Officer (or designate) will conduct an assessment to determine whether or not the Conduct meets the jurisdictional requirements to be investigated under Policy B.701 by considering the following factors:
  - Whether or not the Conduct described is covered by the “Prohibited Conduct” section of Policy B.701;
  - Whether or not the Conduct described is consistent with the scope of Policy B.701;
  - Whether or not the Conduct may be more appropriately responded to under a separate policy or process.
- 6.2. Upon completion of the assessment of jurisdiction, the Student Affairs Officer must determine whether or not there is enough available evidence for the investigation to be conducted in a fair manner.
- 6.3. The assessment of both jurisdiction and available evidence may include the examination of physical evidence and/or contact with the Respondent(s) and/or Witnesses to solicit initial statements.
- 6.4. If the Student Affairs Officer determines that the complaint meets both the jurisdictional and evidential requirements to proceed, a formal investigation will follow.
- 6.5. If the Student Affairs Officer determines that the complaint does not meet jurisdictional and/or evidential requirements, the matter will be considered closed. A record of the complaint will be kept and may be re-opened upon the introduction of new information or evidence of repeated

or escalating Misconduct.

## **7. REFERRAL TO ALTERNATIVE DISPUTE RESOLUTION**

- 7.1. Where the Student Affairs Officer (or designate) determines, in consultation with the Conflict Resolution Advisor, that a matter is suitable for alternative dispute resolution, the option to participate will be extended to all relevant parties. If all relevant parties agree to participate, the Conflict Resolution Advisor will assume responsibility for the complaint. Should any party decline to participate, the complaint will remain with the Office of Student Affairs for further action. The Office of Student Affairs may establish a reasonable time limit within which the alternative process must be completed.
- 7.2. At any time the Conflict Resolution Advisor may choose to end the alternative dispute resolution process and refer the matter back to the Office of Student Affairs for further review.
- 7.3. At the conclusion of the alternative dispute resolution process, the Conflict Resolution Advisor is responsible for providing the following documents to be kept on file in the Office of Student Affairs:
  - A letter confirming the date and time of any meetings with the involved parties as they pertain to the process; and
  - A letter confirming whether or not the parties were able to reach an appropriate agreement at the conclusion of the process.
- 7.4. Any information shared during the alternative dispute resolution process, beyond that noted in 6.3, will not be disclosed to the Office of Student Affairs without the express consent of the participants, unless there is an identified risk to safety or security.
- 7.5. Breach of an agreement formed during alternative dispute resolution is considered to be a violation of Policy B.701 and may result in the initiation of a new complaint of Misconduct against any of the participants. Such complaints may be referred back to the Conflict Resolution Advisor and/or result in further action by the Office of Student Affairs.

## **8. APPOINTING AN EXTERNAL INVESTIGATOR**

- 8.1. The Office of Student Affairs may recommend to the Associate Vice-President, Student Success the appointment of an external investigator or investigation team for matters that are deemed extremely sensitive, or where the nature and extent of the incident may be perceived to predispose or bias an internal investigator.
- 8.2. The Office of Student Affairs will support the external investigator in gathering evidence, contacting parties involved, and clarifying University policies and practices.

- 8.3. The external investigator will review and evaluate all relevant and available evidence to establish, on a balance of probabilities, the findings of fact related to the complaint. The review of evidence and findings of fact will be compiled into a report prepared for the Vice-President, Academic and Provost. A copy of the report will also be provided to the Office of Student Affairs for confidential filing.
- 8.4. If the Respondent has been found to have violated Policy B.701, the Vice-President, Academic and Provost will review the external investigator's report to determine the appropriate level of sanctioning as outlined in Section 18.

## **9. FORMAL INVESTIGATION - INTERNAL**

- 9.1. The Student Affairs Officer is responsible for conducting formal investigations of complaints made under Policy B.701. In cases where the Student Affairs Officer is unable to complete this duty, the Manager, Student Affairs and Services (or designate) will investigate the alleged Misconduct.
- 9.2. Should a formal investigation be initiated, the Respondent(s) will be notified in writing of the allegations. The Respondent(s) will be given five (5) business days to respond to the allegations either in writing or in person, after which time the investigator will review the available evidence and determine whether or not the investigation is able to proceed. Extensions may be requested in writing and granted at the discretion of the investigator.
- 9.3. Investigations will collect and compile all evidence into an investigation report. The investigation report will outline findings with evidence weighed based on reliability, probative value, and relevance to the issue at hand.
- 9.4. In the event that the Student Affairs Officer finds that the available evidence does not warrant adjudication or sanctioning, the investigation will be concluded and the Respondent(s) will be notified in writing. This does not prevent the Office of Student Affairs from engaging in further investigation and sanctioning upon the introduction of new information or evidence of repeated or escalating Misconduct.
- 9.5. Should the Student Affairs Officer determine that the matter requires further adjudication pursuant to Policy B.701, the Respondent(s) will participate in either a collaborative sanctioning process or formal adjudication.

## **10. COLLABORATIVE SANCTIONING**

- 10.1. In cases where a Respondent has reflected on and accepted responsibility for the incident of Misconduct, the Respondent may be provided the opportunity to participate in a collaborative sanctioning process.

- 10.2. The University recognizes that collaborative sanctioning may not be appropriate in all circumstances. The opportunity to participate in the process may be revoked at any time by the Student Affairs Officer or may not be extended at all if the circumstances are not deemed appropriate.
- 10.3. If the opportunity to participate in the collaborative sanctioning process is extended and the Respondent chooses to participate, the Student Affairs Officer (or designate) will schedule a meeting with the Respondent. The meeting will serve as an opportunity for the Respondent and the Student Affairs Officer to discuss the Respondent's Misconduct and the impact on the University community. The Respondent and the Student Affairs Officer will work together to develop a mutual agreement that effectively and appropriately responds to the impact of the Respondent's actions. This may include any of the sanctions listed in Section 19 as well as any additional terms that are both appropriate and agreed upon during the process.
- 10.4. Incidents will, at the discretion of the investigator, be forwarded to the Student Conduct Board for adjudication in the event that one or more of the following conditions is met:
- The Respondent is not or is no longer willing to participate in the collaborative sanctioning process;
  - The Respondent is not or is no longer willing to take responsibility for the incident of Misconduct;
  - The Respondent and the Student Affairs Officer are unable to reach a mutually agreed-upon resolution;
  - The nature of the incident(s) may require severe sanctioning (i.e. suspension, expulsion);
  - The nature of the evidence, violation, or related details requires a higher level of adjudication;
  - The Respondent has previously participated in the collaborative sanctioning process for a similar incident.
- 10.5. Conclusion of the collaborative sanctioning process will include the signing of a written agreement by the Respondent. Failure to adhere to the terms of this agreement is considered to be a violation of Policy B.701 and may result in further action by the Office of Student Affairs and/or the forwarding of the matter to the Student Conduct Board.

## **11. REFERRAL TO THE STUDENT CONDUCT BOARD**

- 11.1. Where an incident of Misconduct is unable to be resolved through collaborative sanctioning or alternative dispute resolution, the matter will be referred to the Associate Vice-President, Student Success.
- 11.2. The Associate Vice-President, Student Success will review the case and to determine whether the Student Conduct Board is the most appropriate avenue of adjudication. In addition to referral to the Student Conduct Board, the Associate Vice-President, Student Success may

choose to refer the matter back to the Office of Student Affairs for collaborative sanctioning or separately appoint one or more adjudicators who may be internal or external.

- 11.3. The decision of the Associate Vice-President, Student Success will be communicated in writing to the Respondent.

## **12. STUDENT CONDUCT BOARD HEARING PROCEDURES**

- 12.1. In the event that a case is referred to the Student Conduct Board, the Executive Assistant assigned to the case will ensure that the Respondent, Investigator, and any other applicable parties are informed of the scheduled hearing no fewer than five (5) business days prior to the date of the hearing.
- 12.2. Other parties such as Complainants and Witnesses may be asked to attend hearings at the discretion of the Chair of the Tribunal (the "Chair") dependent upon the need for additional evidence or testimony. If Complainants and Witnesses are to be invited, the Respondent will be informed by the Chair.
- 12.3. The Respondent is encouraged to attend the scheduled hearing, but may choose to remain absent. Invited Complainants and Witnesses may also choose not to attend. In such cases, written testimony will be accepted and weighed according to the principle of best evidence. If no testimony is provided prior to or during the hearing, the Tribunal will render a decision based on the available evidence.
- 12.4. Where there is more than one Respondent in a case, each Respondent will have their own hearing. This does not preclude a Respondent from acting as a Witness during another Respondent's hearing.
- 12.5. The Respondent may, at any time prior to the commencement of a hearing, request to meet with the investigator to review the investigation report and any relevant evidence which may form the grounds for finding of fact and sanctioning. The investigator will ensure that the Respondent is provided with a confidential space to review the evidence. At no time will any evidence or reproduction of evidence be permitted outside of the designated review area. The Chair will ensure that the Respondent is informed of this right upon sending notice of the hearing.

## **13. REVIEW OF EVIDENCE AND TESTIMONY**

- 13.1. The Investigator will submit an investigation report and all relevant evidence collected during the investigation to the Executive Assistant no less than three (3) business days prior to the hearing. The Executive Assistant will also solicit and compile submissions from any other relevant parties including the Respondent. All submissions including the investigation report will be compiled into a hearing package, with copies made for each Tribunal member and the Respondent and provided to the Chair no less than one hour in advance of the hearing.

- 13.2. At the beginning of the hearing, the Chair will read a summary of allegations made against the Respondent. The Respondent will then have an opportunity to provide a response of “Responsible” or “Not Responsible” for each of the allegations. Should the Respondent indicate responsibility for all allegations, the hearing will immediately proceed to deliberation regarding sanctioning as outlined in Section 16 below. Should the Respondent deny any of the allegations, the hearing will proceed.
- 13.3. The Chair will then request that the Investigator present a summary of findings to the Tribunal. Tribunal members will be given the opportunity to ask questions and seek clarification. The Chair will also provide an opportunity for the Respondent to ask questions and clarify statements made during the Investigator’s testimony.
- 13.4. Any Witnesses and Complainants who have been asked to give testimony will, at this time, be invited into the hearing on an individual basis. The Chair will ensure that the Witnesses are directed to separate waiting areas prior to their testimony. Once each Witness has completed their testimony, both the members of the Tribunal and the Respondent will have the opportunity to ask relevant questions of the Witness. Witnesses are not required to respond to questions by the Tribunal or Respondent. Questions directed to Witnesses (including Complainants) by the Respondent are to be made through the Chair and not directly by the Respondent. The Chair may modify the question for suitability and may reject irrelevant, offensive, or biased questions.
- 13.5. During the hearing, the Chair has the authority to conduct the hearing in an orderly fashion and ensure respectful communication by all parties. Failure to abide by the direction of the Chair may result in expulsion from the hearing of the offending person, which may include the Respondent and/or the support person.
- 13.6. After the Tribunal has heard all other testimony and reviewed all available evidence, the Respondent will be given the opportunity to address the board. At the conclusion of the Respondent’s statement, the Tribunal may ask any relevant questions to the Respondent, who may choose not to respond.
- 13.7. All non-Tribunal members present will leave the room for deliberation. The Hearing Board may request that a representative from the Office of Student Affairs remain in the room for deliberation to advise on matters related to evidentiary rules and/or sanctioning.

#### **14. CLOSED TESTIMONY**

- 14.1. The University recognizes that, in certain situations, the provision of testimony by a Witness or Complainant in the presence of the Respondent can be traumatic and sometimes unsafe.

14.2. Complainants and Witnesses may submit a closed testimony request to the Chair who holds the discretion to accept or deny such requests. The Chair may also choose to provide closed testimony in situations where no such request exists.

14.3. Closed testimony may include one of the following options:

- That the Respondent and other non-Tribunal members be asked to leave the hearing temporarily while the Witness/Complainant is present;
- That the Witness/Complainant be granted an opportunity to present testimony to the Hearing Board at a date or time that is separate from the hearing. In this case, the testimony of the Witness/Complainant will be received prior to the date/time of the hearing to ensure that the process set out in previous sections is still adhered to;
- Testimony may be given by Skype or audio in the presence of the Respondent, but without capacity of the Respondent to see or speak to the witness; and/or
- Any other option deemed appropriate by the Tribunal.

14.4. In hearings involving closed testimony, the Respondent will be provided with a summary of the testimony given and provided with an opportunity to respond. Should the Tribunal determine that further testimony from the Witness(es) or Complainant(s) is required, deliberation will be delayed until this requirement is met.

14.5. Closed testimony does not preclude the names of or information given by Witnesses or Complainants from being disclosed to the Respondent during the hearing.

## **15. FINDINGS OF FACT**

15.1. Prior to any discussions regarding sanctions, the Tribunal must first determine its findings of fact related to the complaint. Once all relevant facts have been assessed, the Tribunal will decide on the balance of probabilities whether the Respondent is more likely than not responsible for incidents that are determined to have occurred. All decisions will be made by majority vote with the Chair voting only in the event of a tie.

15.2. If the Tribunal finds the Respondent to be in breach of policy, deliberation regarding recommended sanctions will begin as stated in Section 16.

15.3. If the Tribunal finds that the Respondent did not breach policy, the Respondent will be invited to re-enter the room and informed in person. The Chair will ensure that this decision is communicated in writing to the Respondent within five (5) business days of the conclusion of the hearing.

## **16. RECOMMENDATION OF SANCTIONS**

- 16.1. Should the Tribunal proceed to deliberations regarding sanctioning, the Office of Student Affairs will provide the Tribunal with a summary of the Respondent's previous violations and sanctions, if any, as they are deemed relevant to the case.
- 16.2. The Tribunal may recommend specific sanctions or a range of sanctions as found in Section 19. These recommendations are made to the Vice-President, Academic and Provost.
- 16.3. Once all relevant decisions are made, the Respondent will be given the opportunity to re-enter the room to hear the decisions and recommendations of the Tribunal in person. The Chair will ensure that any decisions and recommendations are communicated to the Respondent in writing within five (5) business days of the conclusion of the hearing.

## **17. DELAY, STOPPAGE, OR TERMINATION OF A HEARING**

- 17.1. The Respondent and/or Investigator may request the delay of a hearing in the event of unforeseen circumstances. Such requests must be made to the Chair in writing with reasonable notice prior to the start of the hearing. The Chair holds the discretion to accept or deny request for delay.
- 17.2. Under certain circumstances, the Tribunal may be unable to render an equitable and/or timely decision for reasons including, but not limited to:
  - Illness of the Respondent, Complainant, Investigator, or a key Witness;
  - Lengthy or complicated testimony and/or evidence that requires more time than originally allotted;
  - Limited or disorganized evidence or presentation of evidence;
  - Extrinsic factors leading to disruption (e.g. weather event, fire, earthquake; and/or
  - Disruptive individual behaviour by a party to the hearing proceedings.
- 17.3. The Tribunal may choose, at its sole discretion, to temporarily halt proceedings and reschedule the continuation of the hearing at another calendar date.
- 17.4. The Tribunal may choose, at its sole discretion, to allow for the Respondent and/or Investigator to gather or review evidence further for presentation at a rescheduled hearing date.
- 17.5. The Associate Vice-President, Student Success has the sole discretion to disband the current Tribunal and assign a new Tribunal in cases where it is deemed necessary to ensure that decisions are equitable and fair.
- 17.6. All persons involved in a hearing are expected to prepare for the hearing. Lack of preparedness will not normally be used to halt, delay, or disband a hearing.

## **18. DECISIONS BY THE VICE-PRESIDENT AND PRESIDENT**

- 18.1. Recommendations by the Tribunal, or the appointed adjudicator(s), are made to the Vice-President, Academic and Provost who may choose to accept or modify the recommended sanctions or refer the matter back to the Tribunal or appointed adjudicator(s) for further adjudication.
- 18.2. Recommendations involving suspension or expulsion will be first reviewed by the Vice-President, Academic and Provost and then forwarded to the President for final review. The President may choose to accept or modify the recommended sanctions.
- 18.3. The Vice-President, Academic and Provost and/or President will normally render a decision after reviewing a summary of the hearing proceedings, findings of fact, and recommendations. The Vice-President, Academic and Provost and/or President may also choose to meet with or solicit a written statement from the Respondent for the purposes of evaluating the weight of the sanction.
- 18.4. In the event that a sanction is modified in such a way that it increases in severity, the Vice-President, Academic and Provost and/or President must provide a written statement of reasoning to the Office of Student Affairs to be placed in the case file.
- 18.5. The Vice-President, Academic and Provost will inform the Office of Student Affairs of the decision. The Office of Student Affairs will ensure that the decision is communicated to the Respondent within five (5) business days. The Office of Student Affairs is also responsible for monitoring the completion of imposed sanctions.

## **19. SANCTIONS**

- 19.1. The conclusion of Student Conduct proceedings where the Respondent is determined to be responsible for violating Policy B.701 will involve the imposition of sanctions as an outcome. Sanctions may include, but are not limited to, the following:
  - 19.1.1. Letter of Reprimand – A formal letter indicating the Respondent’s breach of Policy B.701 and expected Conduct moving forward. Normally, this is only used in the case of first-time, Minor Misconduct or in addition to other sanctions.
  - 19.1.2. Behavioural Contract – A signed contract between the Respondent and the University that indicates both expected behaviour and specified consequences for breach of contract. This may also include additional sanctions from this list as conditions.
  - 19.1.3. Formal Apology – A written apology by the Respondent to those affected during an incident of Misconduct. This will only be used where a Respondent demonstrates genuine interest in apologizing for the incident of Misconduct.
  - 19.1.4. Community Service – The Respondent will participate in a positive act of service to the community.

- 19.1.5. Educational Activity – The Respondent will engage in reflection and growth through participation in tasks such as assignments, projects, and/or workshops.
- 19.1.6. Monetary Restitution – An appropriate charge made to the Respondent’s Student account that will be assigned when there is a notable financial loss to the University as a direct effect of the Respondent’s Misconduct.
- 19.1.7. Loss of Privileges or Use – A temporary or permanent ban on the Respondent’s ability to access/use certain areas or equipment on campus including classrooms and buildings. This also extends to the use of University-sponsored technology such as email accounts.
- 19.1.8. Removal from a Course or Program – Involuntary withdrawal from a course or program at the University. This differs from suspension in that the Respondent may still be permitted to register for classes outside of the specified course or program.
- 19.1.9. Suspension – A temporary leave from the University for a specified period of time, normally including a ban from Campus unless otherwise stated. Behaviour that occurs during a suspension and falls under the scope of Policy B.701 is still actionable by the University. Suspensions may only be imposed by the President.
- 19.1.10. Expulsion – Permanent de-registration and removal from the University, normally including a ban from Campus for a specified period of time. Expulsions may only be imposed by the President.
- 19.1.11. Other Sanctions As Required – The University reserves the right to impose sanctions other than those listed in this document provided that they are commensurate with the Misconduct.
- 19.2. In situations where a Respondent is suspected of Misconduct, but there is insufficient evidence to proceed, a written warning may be issued. A written warning is used only to restate the applicable sections of Policy and/or expectations for future Conduct and is not considered to be a finding of guilt.

## **20. BREACH OF SANCTIONS**

- 20.1. Failure to complete or abide by imposed or agreed-upon sanctions is considered to be a further violation of Policy B.701.
- 20.2. Alleged breaches of any sanction may be entered as a new complaint to the Office of Student Affairs. A full record of the initial complaint, investigation and findings of the Student Conduct Board and/or collaborative sanctioning process will be made available to the adjudicator or adjudicating body in addition to any new evidence.

- 20.3. Breach of sanctions may lead to the imposition of new or escalated sanctions up to and including suspension and expulsion.

## **21. APPEALS**

- 21.1. Appeals pursuant to the Student Code of Conduct are made to the Senate Student Appeals Committee and must be filed pursuant to the deadline and grounds found in S2015-02 – Senate Student Appeals Committee Mandate and Structure and the related Procedures. For the purposes of determining the submission deadline, the starting date will be the date that the decision is communicated in writing to the Respondent.
- 21.2. Appeals related to the adjudication of Student Code of Conduct complaints may only be filed for decisions rendered by the Student Conduct Board, the Vice-President, Academic and Provost, and/or the President. Appeals related to informal or collaborative resolutions will not be accepted.

## **22. RECORD KEEPING**

- 22.1. Investigative reports and records of proceedings are confidentially maintained by the Office of Student Affairs. Records relating to Student Conduct proceedings will be kept for a period of no fewer than seven (7) years following the completion of all actions pertaining to a particular incident of Misconduct. After this time, records may continue to be kept on file if deemed necessary by the Office of Student Affairs and will otherwise be confidentially destroyed.
- 22.2. Records are not available to be copied or viewed by Members of the University Community unless required by the procedures set out in this document or for the purposes of external legal proceedings.
- 22.3. In situations where the decisions or sanctions affect the Respondent's standing with the University (such as a removal from a course or suspension), the Office of Student Affairs will ensure that notice of the decision is forwarded to the Registrar.

## **23. SUPPORT FOR STUDENTS**

- 23.1. The University recognizes that participation in Student Conduct proceedings as a Complainant, Witness, or Respondent can be difficult and that Students who fill these roles may require support. Where not prohibited by a legal barrier or conflict, the Office of Student Affairs is responsible for ensuring that participating Students are aware of the resources available to them should they require support. This may occur through the general promotion of such resources or through direct communication with the Student(s) in question.
- 23.2. The University encourages Students involved with Student Conduct proceedings to seek support as needed from family members, friends, on or off-campus counselling, legal counsel, and/or any other available and applicable sources of support.

23.3. Respondents, Complainants, and/or Witnesses may, at the discretion of the person(s) responsible for the process in question, be accompanied by a support person during investigation and/or adjudication processes initiated under B.701, provided that the support person is not involved directly in the investigation. Support persons may not advocate for or speak on behalf of a Respondent, Complainant, and/or Witness during interviews or hearings. If the support person is a lawyer, the Respondent, Complainant, or Witness must provide notice to the person(s) responsible for the process in question to enable the University to retain legal counsel if necessary. In such cases, the process may be delayed until such a time as University legal counsel can be present.