

**RESOLUTION OF NON-ACADEMIC
MISCONDUCT ALLEGATIONS****University Policy No:** AC1300**Classification:** Academic and Students**Approving authority:** Senate and Board of Governors**Effective date:** August 17, 2011**Supersedes:** New**Last Editorial Change:****Mandated review:** August, 2018**Associated Procedures and Appendices:**[Appendix "A" Examples of Non-Academic Student Misconduct](#)[Procedures for the Submission of and Response to an Allegation of Non-Academic Misconduct](#)[Procedures for Appealing a Decision Made Under a Non-Academic Misconduct Proceeding](#)

PURPOSE

- 1.00 The university's goal is to be a diverse, dynamic and welcoming learning community. The purpose of this policy is to:
- support the development and maintenance of a collegial environment that is characterized by fairness, safety, civility and respect;
 - identify what constitutes Non-Academic Student Misconduct;
 - set out consistent processes for submitting, investigating and responding to allegations of Non-Academic Misconduct; and
 - articulate the rights and responsibilities of Students involved in Non-Academic Misconduct proceedings.

DEFINITIONS*For the purposes of this policy:*

- 2.00 **Administrative Authority** means individuals with administrative responsibility for Units including but not limited to: Vice-Presidents, Deans, Chairs, Executive Directors, Directors or other senior positions at the university.
- 3.00 **Non-Academic Misconduct** includes but is not limited to where a Student engages in any of the following types of conduct on university property or in connection with a University Activity:
- theft, damage or destruction of property;
 - unauthorized entry or presence on university property;
 - fraud or impersonation;
 - disruptive or dangerous behaviours;
 - unlawful possession or use of alcohol;
 - use or possession of illicit drugs; or
 - other activities that result in a criminal conviction or court judgment.

Appendix "A" provides detailed examples of Non-Academic Misconduct which may engage the processes and sanctions outlined in this policy and its associated procedures.

- 4.00 **Student** means a Student registered, enrolled or participating in any course or program offered by the university.
- 5.00 **Support Person** means an individual who provides support or advice to a Student during a Non-Academic Misconduct proceeding. Normally the Support Person does not advocate on the Student's behalf.
- 6.00 **Unit** means academic or administrative areas at the university, including but not limited to: faculties, divisions, departments, schools, offices and centres.
- 7.00 **University Activity** includes any activity that is directly related to or arising out of the operations of the university at any location or any activity where a Student or Student group is formally representing the university.
- 8.00 **University Community** includes:
- all current employees and Students of the university;
 - any person holding a university appointment whether or not that person is an employee;
 - post-doctoral fellows;
 - separately incorporated organizations operating on campus who voluntarily agree to submit to the processes under this policy;
 - organizations and individuals required by contract to comply with university policies;
 - members of the Board of Governors; and
 - anyone residing on campus.

SCOPE/JURISDICTION

- 9.00 This policy applies to the conduct of Students on university property and/or when participating in a University Activity.
- 9.01 This policy does not address academic appeals or matters related to academic integrity as set out in the university's calendar.
- 10.00 This policy is designed to complement other university policies that set out conduct expectations including but not limited to the:
- Human Rights, Equity and Fairness policy (GV0200);
 - Discrimination and Harassment policy (GV0205);
 - Violence and Threatening Behaviour policy (SS9105);
 - Responsible Use of Information Technology policy (IM7200); and
 - student residences policies (BP3500, BP3505).
- 10.01 When circumstances arise that are specifically addressed under other university policies, procedures, or regulations the processes and response mechanisms contained within those documents will normally be followed unless the Associate-Vice President Student Affairs, in consultation with the appropriate Administrative Authority, deems that it is appropriate to proceed under this policy.

10.02 Where a Student is also a university employee acting in the course of his or her employment, the university's regular employment practices will be applied rather than this policy.

10.03 In cases where the application of this policy conflicts with the academic integrity policy or another university policy, the Associate Vice-President Student Affairs (or designate), in consultation with the appropriate Administrative Authority, shall determine an appropriate course of action consistent with the pertinent policies.

- 11.00 The university may take measures outside those outlined in this policy and its associated procedures in circumstances where it is reasonably believed that immediate action is required to:
- protect the health or safety of any individual or the general public;
 - prevent damage or destruction of the university's property, infrastructure or assets; or
 - remove a Student from university property where there is a high potential of risk posed by the Student's continued presence.

In such cases, the university shall follow the Violence and Threatening Behaviour (SS9105) policy, the Critical Incident Response Procedures (SS9115) and other applicable university emergency management policies, procedures and practices.

- 12.00 The university may undertake proceedings under this policy where the matter is also being investigated or reviewed by a law enforcement agency or authority external to the university. If the university's investigation determines that Non-Academic Misconduct has occurred, the university may apply sanctions against a Student, regardless of any other discipline applied externally.

12.01 No aspect of this policy shall prevent the university from referring a matter to an appropriate law enforcement agency as required.

POLICY

Appendix "A" provides detailed examples of Non-Academic Misconduct which may engage the processes and sanctions outlined in this policy and its associated procedures

Interpretation

- 13.00 This policy and its associated procedures shall not be interpreted in a manner that:
- limits the President's authority to deal summarily with any matter of Student discipline in accordance with the *University Act*;
 - unreasonably limits demonstrations or assemblies that are safe, non-violent and non-destructive;
 - unreasonably limits the free expression of ideas; or
 - prevents any member of the University Community or member of the public from proceeding with criminal or civil actions independent of any action(s) taken by the university.

General Principles

- 14.00 The university is committed to promoting a safe, respectful and supportive learning and working environment. As part of the University Community, each Student is responsible for his or her personal conduct as it affects the University Community, University Activities and the university's property.
- 15.00 Students who are on university property and/or participating in a University Activity are expected to assume responsibility for their actions, ensure lawful personal conduct, and respect the rights, privileges and safety of others.
- 16.00 The university is committed to providing clear and transparent processes in all proceedings involving allegations of Non-Academic Misconduct and is committed to implementing the principles of natural justice and procedural fairness in the resolution of allegations under this policy.
- 17.00 The university will provide mechanisms to implement the provisions of this policy in an effective and reasonably timely manner.
- 18.00 The university views allegations of Non-Academic Misconduct seriously and may pursue disciplinary action against a member of the University Community who is found to have made a false, frivolous or vexatious allegation against a Student in accordance with this policy, other university policies, collective agreements and the Framework Agreement.
- 19.00 A Student may, at his or her discretion, have a Support Person present at any proceeding related to an allegation of Non-Academic Misconduct to provide personal support and advice.

Management of Allegations of Non-Academic Misconduct

- 20.00 The Associate Vice-President Student Affairs shall appoint a Manager, Program Development and Judicial Affairs (hereinafter referred to as "the Manager, PDJA") to:
- provide guidance to Students and Units for informally resolving incidents of Non-Academic Misconduct;
 - perform administrative processes to assist with implementing this policy and its associated procedures;
 - conduct preliminary reviews of formal allegations of Non-Academic Misconduct;
 - investigate formal allegations of Non-Academic Misconduct where warranted; and
 - determine or recommend a reasonable course of action upon the completion of an investigation.

Informal Resolution

- 21.00 The university recognizes that many disputes or incidents can be resolved informally by mutual agreement without submitting a formal allegation under this policy. Wherever possible, members of the University Community are encouraged to use respectful and direct communication to resolve such disputes or incidents informally by way of apology, conciliation, education, consultation, or mediation.

Submission of a Formal Allegation of Non-Academic Misconduct

22.00 A University Community member who wishes to make a formal allegation of Non-Academic Misconduct shall submit a signed written allegation in accordance with the [Procedures for the Submission of and Response to an Allegation of Non-Academic Misconduct](#).

22.01 Written allegations shall include a description of the alleged incident with sufficient details.

23.00 The university may take steps under this policy as the complainant.

Review and Investigation of a Formal Allegation of Non-Academic Misconduct

24.00 Formal allegations of Non-Academic Misconduct will be reviewed and where appropriate investigated by the Manager, PDJA to determine whether or not this policy has been violated.

24.01 The review and investigation of formal allegations shall be in accordance with the [Procedures for the Submission of and Response to an Allegation of Non-Academic Misconduct](#).

Determination and Imposition of Sanctions

25.00 After investigation, the university may impose sanctions where Non-Academic Misconduct is found to have occurred. Sanctions may be applied independently or in combination for any violation of this policy.

25.01 Sanctions for confirmed Non-Academic Misconduct and factors in determining appropriate sanctions are established in the [Procedures for the Submission of and Response to an Allegation of Non-Academic Misconduct](#).

Notice of Decision

26.00 Where a decision on a formal allegation of Non-Academic Misconduct has been made, the Student shall be provided with written notice of the rationale for any decision made and of any sanction(s) to be applied.

Appealing a Non-Academic Student Decision or Sanction

27.00 A Student may appeal a decision or action taken by the university under this policy provided that sufficient grounds exist in accordance with the [Procedures for Appealing a Decision Made Under a Non-Academic Misconduct Proceeding](#).

27.01 Appeal requests must be made in writing.

Confidentiality and Management of Records

28.00 The protection of confidentiality is essential to the functioning of this policy and its associated procedures. Individuals participating in proceedings under this policy are expected to maintain confidentiality. Allegations under this policy will be treated confidentially, subject to the Student's ability to seek advice and the university's ability to conduct an investigation, to properly respond to the allegation, or as required by law.

- 29.00 Records created under this policy and its associated procedures shall be marked as confidential and managed and accessed in accordance with the *Freedom of Information and Protection of Privacy Act (FIPPA)*, and the university Protection of Privacy (GV0235) and Records Management (IM7700) policies.
- 30.00 Administrative Authorities, or other university staff authorized by the Associate Vice-President Student Affairs, may be provided access to records that are created under this policy. Such access shall be provided in accordance with the *FIPPA* and the university's Protection of Privacy policy (GV0235).
- 30.01 Individuals who have been granted access to records created under this policy shall:
- protect the confidentiality of the information related to the allegation and investigation; and
 - make reasonable efforts to safeguard the information in accordance with the *FIPPA* and the university's Protection of Privacy policy (GV0235).
- 30.02 University staff may be provided with aggregate information or reports on Non-Academic Misconduct for purposes of analysis, but such information will be provided without revealing Student personal information.
- 31.00 Records created under this policy and its associated procedures shall be retained for five years after the Student's last date of registration.

Annual Report

- 32.00 An annual report detailing the nature of formal Non-Academic Misconduct allegations, types of offenses, investigation outcomes and actions taken under this policy shall be completed by the Student Affairs' office and provided to the Senate and the Board of Governors. The annual report shall not contain personal information about Students.

AUTHORITIES AND OFFICERS

- i) Approving Authority: Senate and the Board of Governors
- ii) Designated Executive Officer: President
- iii) Procedural Authorities: Vice-President Academic and Provost
- iv) Procedural Officer: Associate Vice-President Student Affairs

RELEVANT LEGISLATION

University Act

Freedom of Information and Protection of Privacy Act

RELATED POLICIES AND DOCUMENTS

[University of Victoria Calendar](#)

Human Rights, Equity and Fairness policy (GV0200)

Discrimination and Harassment policy (GV0205)

Violence and Threatening Behaviour policy (SS9105)

Critical Incident Response Procedures (SS9115)

Responsible Use of Information Technology policy (IM7200)

Liquor policy (AD2400)

Guidelines for Participation in International Activities (AD2200)

Student Residences policies (BP3500, BP3505)
Protection of Privacy policy (GV0235)
Records Management Policy (IM7700)

Forms

Non-Academic Student Misconduct Incident Report Form

APPENDIX "A" – EXAMPLES OF NON-ACADEMIC STUDENT MISCONDUCT

PURPOSE

- 1.00 The purpose of this document is to provide examples of the types of activities that may be considered Non-Academic Misconduct under this policy and subject to discipline by the university.

Examples of Non-Academic Misconduct

Note: the following section provides examples of Non-Academic Student Misconduct and is intended to help clarify the type of conduct that may be subject to discipline by the university. The following section is not intended to provide an exhaustive list; conduct may still be considered as Non-Academic Misconduct if it does not appear below.

- 2.00 Non-Academic Misconduct may include but is not limited to when one or more of the following occurs on university property or in connection with a University Activity:

2.01 Theft, Damage and Destruction

Examples include instances such as a Student:

- (a) possessing or using property owned by the university, a member of the University Community, or that of a third-party that is acquired without appropriate consent or authority;
- (b) misappropriating, destroying, defacing, vandalizing or otherwise damaging university property, equipment or other assets or the property, equipment or assets of other members of the University Community or a third-party; or
- (c) tampering with fire or emergency equipment.

2.02 Unauthorized Entry or Presence

Examples include instances such as a Student:

- (a) entering or remaining in a university property, or facility or providing unauthorized access to another individual to university property or facilities without proper authority or contrary to express instructions by a university staff member;
- (b) entering or remaining in any university property, or facility for the purpose of damage, destruction, alteration or theft.

2.03 Fraud, Misuse or Impersonation

Examples include instances such as a Student:

- (a) forging, altering or misusing a university document, record or piece of identification;
- (b) submitting a forged, or altered document to university staff for the purpose of deception;
- (c) obtaining any materials or equipment by fraudulent means; or
- (d) impersonating a member of the University Community.

2.04 Disruptive or Dangerous Behaviours

Examples include instances such as a Student:

- (a) obstructing University Activities or engaging in disruptive behaviour that involves disorder;
- (b) creating a situation that endangers the health, safety or well-being of any member of the University Community or public;
- (c) possessing or using a weapon;
- (d) possessing or using an object resembling a weapon that reasonably could be viewed as a threat to a member of the University Community or public;
- (e) harming or threatening any member of the University Community or public;
- (f) engaging in harassing behaviour against a member of the University Community or public not covered under the university's Discrimination and Harassment policy (GV0205); or
- (g) engaging in hazing activities.

2.05 Alcohol and Drugs

Examples include instances such as a Student:

- (a) contravening liquor laws or the university's Liquor policy (AD2400);
- (b) manufacturing, possessing, using, or trafficking illicit drugs; or
- (c) trafficking prescription drugs or medications.

2.06 Illegal Activities

Any other Student activity occurring on university property or in connection with a University Activity that results in a criminal conviction or court judgment may be deemed as Non-Academic Misconduct under this policy.

Failure to Follow Previous Sanctions

2.07 Failure to follow a mandated sanction from a previous violation of this policy or unwillingness to participate in resolution of a formal allegation may lead to the application of additional sanctions.

Assisting in Non-Academic Misconduct

2.08 A Student who assists in any of the above listed activities, or other activity deemed to be Non-Academic Misconduct, may be sanctioned for Non-Academic Misconduct.

Submission of False, Frivolous or Vexatious Allegations

2.09 Any allegation of Non-Academic Misconduct that is found to be trivial, false, frivolous or vexatious may also be considered Misconduct under this policy.

PROCEDURES FOR THE SUBMISSION OF AND RESPONSE TO AN ALLEGATION OF NON-ACADEMIC MISCONDUCT

Procedural Authority: Vice-President Academic & Provost

Effective Date: August 17,
2011

Procedural Officer: Associate Vice-President Student Affairs

Supersedes: New

Parent Policy: [Resolution of Non-Academic Misconduct Allegations](#)

Last Editorial Change:

PURPOSE

- 1.00 The purpose of this document is to set out procedures for the submission, review, investigation and resolution of a formal allegation of Non-Academic Misconduct.

PROCEDURES

Submission of a Formal Allegation

- 2.00 Wherever possible, members of the University Community are encouraged to use respectful and direct communication to resolve incidents or disputes informally by way of apology, conciliation (including restorative justice), education, consultation, or mediation.

Where informal resolution is not possible or appropriate, a University Community member who believes that a Student has committed Non-Academic Misconduct may submit a formal allegation in writing to the Division of Student Affairs using the Non-Academic Misconduct Incident Report Form.

- 2.01 Formal allegations shall include:
- (a) a description and relevant information regarding the alleged incident including the time(s), date(s) and location(s) of the incident(s) and potential witnesses; and
 - (b) the complainant's name and signature.
- 2.02 Formal allegations must be submitted within ten (10) university business days of the alleged incident unless the Manager, Program Development and Judicial Affairs (hereinafter referred to as the "Manager, PDJA") considers it reasonable to extend that time limit.
- 3.00 Potential incidents of Non-Academic Misconduct may be reviewed or investigated in absence of a formal allegation.

Preliminary Review of a Formal Allegation

4.00 When a formal allegation of Non-Academic Misconduct is submitted, the Manager, PDJA will review the allegation and may decline to proceed with an investigation in cases where s/he is of the opinion that:

- (a) the allegation falls within the jurisdiction of another university policy, procedure or regulation and it is more appropriate to proceed under that policy or regulation;
- (b) the allegation(s) does not constitute a violation of or is outside the scope of the Resolution of Non-Academic Misconduct Allegations policy;
- (c) an unreasonable amount of time has elapsed since the alleged incident such that it would preclude resolution of the allegation;
- (d) the allegation has been adequately addressed by another process;
- (e) the allegation could be more appropriately addressed by conflict coaching, facilitated dialogue, restorative justice or mediation;
- (f) the allegation is being addressed by another process and it is reasonable to put the allegation in abeyance pending the outcome of such a process; or
- (g) the allegation is trivial, false, frivolous, or vexatious.

4.01 Where the Manager, PDJA declines to proceed with investigating a formal allegation under this policy, s/he will notify the complainant in writing of the decision within ten (10) university business days of receiving the formal allegation and will include rationale for the decision not to investigate.

4.02 The complainant may submit a written appeal of the decision not to investigate a formal allegation to the Associate Vice-President Student Affairs (or designate) within five (5) university business days of receiving the Manager, PDJA's decision only where:

- (a) relevant evidence emerges that was not available at the time of the decision;
- (b) the complainant reasonably believes the decision not to proceed with an investigation was biased; or
- (c) the complainant reasonably believes that the Manager, PDJA made a judgment error in determining that the allegation was trivial, false, frivolous or vexatious.

4.03 The Associate Vice-President Student Affairs will review the written appeal and may meet with the complainant before making a final determination on whether an investigation of the formal allegation will occur under the Resolution of Non-Academic Misconduct Allegations policy.

Investigation and Determination

5.00 Where a formal allegation of Non-Academic Misconduct has been made against a Student and it is determined that an investigation will be undertaken, the respondent Student shall be provided in writing with:

- (a) a notice of the allegation;
- (b) a summary of pertinent information regarding the alleged Non-Academic Misconduct;
- (c) a timeline for providing relevant documentation;
- (d) a proposed interview date and time (including notice of the right to reschedule within reasonable timeframes and under reasonable circumstances); and

- (e) access to a copy of the Resolution of Non-Academic Misconduct Allegations policy and other relevant university policies or documents.
- 6.00 As part of the investigation, the Manager, PDJA will gather and review relevant information and conduct interviews as appropriate with the complainant, pertinent university staff and any witnesses to the alleged incident. The Manager, PDJA will forward a summary of the information collected during the investigation to the respondent Student.
- 6.01 The Manager, PDJA will conduct an interview with the respondent Student to review the formal allegation and the information collected in the investigation. The Student may be accompanied by a Support Person at the interview. Where the Student intends to be represented by legal counsel at the interview, the Student shall provide the Manager, PDJA with a minimum of three (3) university business days notice in advance of the interview. The Manager, PDJA may request that university legal counsel be present at an interview to observe or provide advice as required.
- 6.02 Upon completion of the interview with the respondent Student, the Manager, PDJA will provide the respondent Student with a reasonable opportunity to submit an additional response or any relevant documentation related to the allegation.
- 6.03 A decision may be made based on available information in a case where the respondent Student does not:
- (a) attend a scheduled interview;
 - (b) provide relevant documentation requested during the investigation;
 - (c) submit an additional response or documents pursuant to 6.02; or
 - (d) otherwise cooperate with the investigation.
- 7.00 Upon completing an investigation of a formal allegation of Non-Academic Misconduct, the Manager, PDJA will prepare a written report summarizing:
- (a) the alleged Misconduct;
 - (b) the information available on the alleged incident(s) and other pertinent information;
 - (c) the findings of the investigation including a statement dismissing or confirming the allegation;
 - (d) any sanction(s) to be applied or recommended in accordance with section 8.00 - 11.00 of these procedures.

Sanctions

- 8.00 In cases of confirmed Non-Academic Misconduct, sanctions may be applied independently or in combination as appropriate.
- 9.00 In determining an appropriate sanction as a result of confirmed Non-Academic Misconduct, consideration may be given to factors including:
- (a) the seriousness and impact of the Student's conduct on the University Community, a University Activity or the university's reputation or property;
 - (b) whether the incident is isolated;
 - (c) whether the incident was inadvertent or deliberate;
 - (d) whether other university policies were violated;

- (e) related financial costs; and
- (f) any other mitigating factors.

Minor Sanctions

10.00 Minor sanctions shall be determined by the Manager, PDJA upon completion of the investigation and will be applied by the Manager, PDJA in consultation with the requisite Administrative Authority (or designate) as appropriate.

Minor Sanctions	
Type	Description
Written Warning	A letter from the university that provides details on the violation and warning to the Student that an additional violation will result in a more severe sanction(s).
Written Apology or Participation in an Alternative Dispute Resolution Process	<p>Student provides a written apology to a member of the University Community, third-party or other individuals affected by the Student’s conduct.</p> <p>Student participates in an alternative dispute resolution process such as conflict coaching, facilitated dialogue, restorative justice or mediation.</p>
Suspension or Denial of Specified University Privileges	Suspension or denial of specified university privileges for a defined period of time.
Restitution	<p>Payment of a specified amount to the university or to an affected member of the University Community, group or third-party if monetary loss has occurred as a result of the misconduct.</p> <p>Where a Student is unable to provide financial restitution; the Student may be required to participate in an educational workshop, complete a written assignment or provide a service to the University Community.</p>
Restricted Access	Restriction of the Student’s access to university property or segments of university property or to a University Activity for a specified period of time.

Major Sanctions

11.00 Where, after completing the investigation, the Manager, PDJA is of the opinion that Non-Academic Misconduct has occurred and a major sanction may be appropriate, s/he shall

forward the report created under section 7.00 of these procedures to the Associate Vice-President Student Affairs for review.

11.01 The Associate Vice-President Student Affairs will review the report and determine if further investigation or consultation is necessary and will make a recommendation to the President on a major sanction as appropriate.

11.02 Major sanctions will be determined by the President.

Major Sanctions	
Type	Description
Notice of Trespass	Denies the Student from entering all or segments of the university's property.
Suspension	Loss of academic privileges at the university for a specified period of time.
Expulsion	Loss of academic privileges for an unspecified period of time.

12.00 The President (or designate) shall immediately inform Campus Security if a major sanction is imposed under this policy.

13.00 The President (or designate) shall inform the Senate Committee on Appeals when a major sanction has been imposed.

Communication with the Respondent Student

14.00 Upon conclusion of the investigation and determination of any sanction(s), the university shall provide written notice to the respondent Student of any decisions made and information about the Student's right to appeal the decision.

PROCEDURES FOR APPEALING A DECISION MADE UNDER A NON-ACADEMIC MISCONDUCT PROCEEDING

Procedural Authority: Vice-President Academic and Provost

Effective Date: August
17, 2011

Procedural Officer: Associate Vice-President Student Affairs

Supersedes: New

Parent Policy: [Resolution of Non-Academic Misconduct Allegations](#)

Last Editorial Change:

PURPOSE

- 1.00 The purpose of these procedures is to set out the process for a respondent Student's appeal of a decision made under a Non-Academic Misconduct proceeding.

PROCEDURES

- 2.00 Where a decision has been made against a Student under a Non-Academic Misconduct proceeding, the Student may appeal the decision within five (5) university business days of receiving notice of the decision providing that there are sufficient grounds for appeal.
- 2.01 A Student may not appeal a decision based solely on disagreement with the sanction imposed.
- 2.02 Sufficient grounds for appeal of a minor sanction include one or more of the following:
- (a) relevant evidence emerges that was not available at the time of the original decision;
 - (b) the Student believes the investigation, hearing or decision was biased;
 - (c) the processes or procedures set out in the Resolution of Non-Academic Student Misconduct Allegations policy were not followed which may have substantially affected the outcome; or
 - (d) the severity of the sanction imposed reasonably exceeds the nature of the misconduct.
- 2.03 Sufficient grounds for appeal of a major sanction shall be in accordance with the Senate Committee on Appeals Procedural Guidelines.

Procedures for Appealing a Minor Sanction

- 3.00 A Student who wishes to appeal a minor sanction imposed under a Non-Academic Misconduct proceeding shall file a written statement of appeal to the Associate Vice-President Student Affairs that includes:
- (a) a statement of the grounds for appeal;
 - (b) a statement of facts relevant to the grounds for appeal;
 - (c) a statement of the remedy or relief sought;
 - (d) copies of relevant documents the Student intends to refer to at the appeal hearing; and

- (e) the names of any witnesses the Student wishes to appear at the appeal hearing.
- 4.00 The Associate Vice-President Student Affairs shall review the written statement of appeal and convene a Non-Academic Misconduct appeal board (the "Appeal Board") where there are sufficient grounds for the appeal of a minor sanction.
- 4.01 The Appeal Board shall consist of:
- (a) the Associate Vice-President Student Affairs (or designate) who shall be the Appeal Board chair and a non-voting Appeal Board member;
 - (b) two (2) Student representatives from Senate; and
 - (c) a Dean or an Associate Dean.
- 5.00 The Student may be accompanied by a Support Person at the appeal. Where the Student intends to be represented by legal counsel at the appeal, the Student shall provide the Appeal Board chair with a minimum of three (3) university business days notice in advance of the appeal hearing.
- 6.00 The Appeal Board chair may request that university legal counsel be present at an appeal proceeding to observe or provide advice to the Appeal Board as required. The Appeal Board chair may request that other individuals attend the hearing as required.
- 7.00 The Appeal Board shall review relevant information and conduct an appeal hearing normally within 15 university business days of the receipt of the appeal.
- 8.00 The Appeal Board may, after reviewing the relevant information and conducting a hearing:
- (a) uphold the original decision and/or sanction(s);
 - (b) reverse the decision;
 - (c) reverse or modify the sanction(s); or
 - (d) determine that a procedural error occurred and refer the matter back to the Student Affairs Office for re-investigation.
- 9.00 The Appeal Board's decision on a minor sanction shall be final and will be communicated to the Student in writing within five (5) university business days of the adjudication of the appeal.

Procedures for Appealing a Major Sanction

- 10.00 The Senate Committee on Appeals, established in accordance with the *University Act*, is the final appeal body at the university for a Student's appeal of a major sanction.
- 11.00 A Student who wishes to appeal a major sanction shall file a written statement of appeal to the Senate Committee on Appeals. Final Appeals shall be submitted and heard in accordance with the Senate Committee on Appeals' Terms of Reference and Procedural Guidelines.
- 12.00 The determination by the Senate Committee on Appeals is final within the university.