



Code of Student Conduct and Disciplinary Procedures

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Related Documents	Policy against Sexual Violence Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law Policy on the Responsible Use of McGill Information Technology Resources
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Full history appears at the end of this document.

Section I: Rules of Conduct

A. GENERAL PROVISIONS

1 Definitions

- (a) “Advisor” means someone holding office under the University Charter and Statutes, someone appointed by or holding regular employment with the University, or registered at the University in a degree program for two consecutive terms, excluding the summer term, who has agreed to act in an advisory capacity and who is not paid for their services.
- (b) “Assessment” means any form of student activity used for evaluation in a course to which a grade is to be granted by the instructor.
- (c) Committee on Student Discipline (CSD) is a committee of Senate whose members may conduct a disciplinary hearing.
- (d) “Days” do not include weekends or holidays as recognized by the University calendar.
- (e) “Disciplinary Officer” means a member of the staff of the University (who is not currently a McGill student) who has the powers, duties, and obligations expressly conferred upon them in this Code.
- (f) “Disciplinary record” means the record that is retained by the Office of the Dean of Students in respect of a student

concerning violations of this Code for which the student was reprimanded.

- (g) "Exonerate" means that an allegation that a student violated an article of this Code was not supported by clear, convincing, and reliable evidence.
- (h) "Harassment" has the meaning contained in the [Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law](#).
- (i) "Hearing of the CSD" means the disciplinary proceeding that follows from a referral to the CSD.
- (j) "Interview" means the disciplinary proceeding whereby the Disciplinary Officer may initially meet with the student in order to inquire into a possible violation of an article of this Code, after which the Disciplinary Officer may dispose of the matter or refer the matter to the CSD.
- (k) "Knowingly," as it is used in this Code, distinguishes acts in which there is an intent from those that can be shown to be accidental or inadvertent.
- (l) "Legal Assessor" means a member of the staff of the University who holds a law degree, appointed by Senate, whose role is to advise the CSD or the Appeal Committee as to the conduct of proceedings.
- (m) "Member of the University Community" means someone holding office under the University Charter and Statutes, someone appointed or employed by, or registered as a student at the University.
- (n) "Sexual Violence" has the meaning contained in the [Policy against Sexual Violence](#).
- (o) "Student" in this Code shall include:
 - (i) any person registered in the University for a course, courses or research, whether or not a candidate for degree, diploma, or certificate;
 - (ii) persons once registered in the University under (i) above who are on leave or under suspension from the University;
 - (iii) persons registered during any preceding term and who have not since that time fulfilled all the requirements for the degree, diploma or certificate for which they were registered;
 - (iv) postdoctoral fellows, who are not employees of the University.
- (p) "University" means the Royal Institution for the Advancement of Learning and McGill University and all its various campuses.
- (q) The "University Context" means circumstances occurring:
 - (a) on University premises; or
 - (b) within a University-sponsored program, event or activity whether on-campus or off-campus; or
 - (c) off-campus, including online or in social media, where the conduct has consequences that may be reasonably seen to adversely affect:
 - (i) the safety of students, academic, administrative and support staff while on campus or while participating in a University-sponsored program, event or activity; or
 - (ii) the right of a Member of the University Community to use and enjoy the University's learning or working environment.

2 Notices

- (a) Any notice required to be communicated under this Code shall be communicated by:
 - (i) email to the student's official McGill email address; or
 - (ii) hand-delivered to the student; or
 - (iii) registered mail to the student's address recorded with the University.
- (b) Any notice sent in accordance with this Code shall be deemed to be received by the student on the earlier of:
 - (i) the day it was sent by e-mail; or
 - (ii) the day it was hand-delivered; or
 - (iii) the fourth day after mailing.

3 Jurisdiction

- (a) For the purposes of disciplinary review of a student's conduct, the student need only have been a student at the time of the alleged offence.
- (b) Jurisdiction under this Code extends to students who have counselled or knowingly aided another person or persons in the commission of an offence under this Code.

4 Code All-Inclusive

- (a) No action may be taken against a student under this Code unless their conduct falls within one or more of the offences enumerated in this Code or amounts to a failure to comply with orders issued under this Code. However, this is not to be construed as limiting any powers of action over students coming under other regulations of the University as, for example, late fines for returning library materials, revocation of permits and licenses, and the like.
- (b) Other policies and regulations, enacted by the University from time to time, may refer to this Code, its jurisdiction, its provisions or its procedures. Where a student is alleged to have committed an offence under such University regulation or policy, and the charge is substantiated further to a process under that regulation or policy, any finding of responsibility will be taken as found and shall not be re-investigated or reconsidered under this Code. In such cases, Section IV (Articles 45 to 84) is applicable only with respect to the determination of sanctions pursuant to a finding of responsibility under another University regulation or policy.
- (c) No article in this Code shall limit the rights guaranteed under the Charter of Student Rights.

B. NON-ACADEMIC OFFENCES

The following constitute conduct deemed injurious to the peaceable functioning of the University.

5 Obstruction

No student shall, by action, threat, or otherwise, knowingly obstruct University activities. University activities include but are not limited to, teaching, research, studying, administration, public service, scheduled events and activities.

6 Picketing and Demonstrations

No student shall, on University premises, individually or with a group and in connection with a demonstration, including a rally or picketing:

- (a) Knowingly use words that threaten violence, psychological harm, or bodily harm to any group or individual in a situation where there is clear and imminent danger of such violence or harm, and whether or not the group or individual thus threatened knows of such threatening words; or
- (b) Knowingly use words in a situation of clear and imminent danger that incite others to behaviour that violates any article of this Section.

7 Unauthorized Entry and/or Presence

No student shall knowingly enter or remain in any University premises:

- (a) Without right or authorization; or
- (b) With intent to obstruct University activities; or
- (c) With intent to damage, destroy or steal University property.

8 Theft, Damage and Destruction of Property

- (a) No student shall knowingly take, destroy or otherwise damage University property, nor shall any student knowingly take, destroy or otherwise damage any property not their own on University premises.
- (b) No student, in any manner whatsoever, shall knowingly deface the inside or outside of any building or

infrastructure of the University, nor deface any statues or similar property of the University.

9 Possession of Stolen Property

No student, knowing the property to have been stolen, shall possess University property or possess on University premises any property stolen from any other Member of the University Community.

10 Physical Abuses, Harassment and Dangerous Activity

No student shall in a University Context:

- (a) Assault another person, threaten another person or persons with bodily harm or damage to such person's property; or
- (b) Commit an act of sexual violence against another person or persons. Such alleged offence will be subject to the process established pursuant to the Policy Against Sexual Violence; or
- (c) Knowingly create a condition that unnecessarily endangers or threatens or undermines the health, safety, well-being, or dignity of another person or persons, threatens to cause humiliation; or
- (d) Threaten the damage or destruction of property; or
- (e) Commit an act of harassment against another person or persons. Such alleged offence will be subject to the process described in the Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law.

11 Unauthorized or Fraudulent Use of University Resources, Equipment or Services

- (a) No student shall knowingly use any University resource (including IT resources), equipment or service in breach of University rules or policies, or contrary to express instruction.
- (b) No student shall knowingly defraud or abuse the trust of any University office, facility, or service.

12 Misuse of University Supplies, Data or Documents

No student shall forge or, without authority and permission, knowingly alter, use, share, receive, or possess University supplies, data or documents. University supplies, data and documents include, but are not limited to, equipment, keys, records and files, electronic or otherwise. Data is defined as in the [Policy on the Responsible Use of McGill Information Technology Resources](#).

13 Misuse of Library or Information Technology Resources

- (a) No student shall knowingly remove books or other library material from a University library without proper authorization, deface library books or material, purposely misplace them or in any other way purposely deprive other members of the University 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. No student shall knowingly violate the University Library's policy: "[Acceptable Use of Electronic resources](#)".
- (b) No student shall knowingly use any part of the University Information Technology system or any University computer without proper authorization or knowingly misuse passwords, code words or similar means of access to computers, or knowingly use the facilities in a manner that would interfere with the access or security of the accounts of other users, or knowingly violate the "Policy on the Responsible Use of McGill Information Technology Resources". A student so accused may not claim that communications made through the University computer system are confidential, notwithstanding any implications of Article 45, so long as the communications in question were obtained only by authorized University employees acting upon reasonable grounds to protect the security of the system in accordance with the "Policy on the Responsible Use of McGill Information Technology Resources".

14 False Accusation

No student knowingly shall falsely accuse another Member of the University Community with an offence under the regulations, policies, code or collective agreement to which the accused member is subject.

15 Relationship with Civil Law and Authority

- (a) Notwithstanding Article 4 of this Code, any offence described in federal or provincial laws and regulations that occurs in the University Context and is not specifically described by another article in this Code is to be considered an offence under this Code. Disciplinary proceedings taken against a student under this Article must specifically describe the offence with which the student is charged and the description of this offence in the law.
- (b) Nothing in this Code shall prevent the University from referring an individual matter to the normal civil authorities either before, during, or after action is taken under the Code, should such referral be considered necessary. Nothing in this Code shall prevent the University from pursuing disciplinary proceedings when such referral to civil authorities is made.

C. ACADEMIC OFFENCES

The integrity of University academic life and of the degrees the University confers is dependent upon the honesty, integrity and soundness of the teacher-student learning relationship and, as well, that of the assessment process. Conduct by any Member of the University Community that adversely affects this relationship or this process must, therefore, be considered a serious offence.

Where group work has been assigned by an instructor, students may be disciplined individually or collectively, depending on the nature of the Assessment and the instructions from the instructor.

16 Plagiarism

“Plagiarism” means the representation of another’s work as one’s own or assisting another in representing another’s work, published or unpublished, as their own.

- (a) No student shall represent another person’s work, published or unpublished, as their own in any writing, such as an essay, thesis, research report, project or assignment submitted in a course or a program of study, or represent as their own the work of another, whether the material so represented constitutes a part or the entirety of the work submitted.
- (b) No student shall contribute any work to another student with the knowledge that the latter may submit the work in part or whole as their own. Receipt of payment or other forms of compensation for work contributed shall be cause for presumption that the student had such knowledge.

17 Cheating

No student shall:

- (a) In the context of an Assessment, obtain or attempt to obtain information from another student or an unauthorized material including from an electronic device or give or attempt to give information to another student or possess, use or attempt to use from any unauthorized material including an electronic device;
- (b) In the context of an Assessment, remove, retain or alter examination or Assessment materials.
- (c) Represent or attempt to represent oneself as another or have or attempt to have oneself represented by another when completing an assessment;
- (d) Submit in any course or program of study, without both the knowledge and approval of the person to whom it is submitted, all or a portion of any writing, essay, thesis, research report, project or assignment for which credit has previously been obtained by such student, or which has been or is being published by such student, or which has been or is being submitted in another course or program of study by such student, at the University or elsewhere;
- (e) Submit in any course or program of study any writing, essay, thesis, research report, project or assignment

containing a statement of fact known by the student to be false or a reference or source that they know has been

fabricated.

18 Confidential and Copyrighted Materials

- (a) It shall be an offence knowingly to procure, distribute, or receive, by any means whatsoever, any confidential academic material such as pending examinations or laboratory results or other instructor-generated materials or documents without prior and express consent of the instructor.
- (b) It shall be an offence knowingly to distribute, or use for any reason other than one's own private study, by any means whatsoever, any copyrighted material or material owned by another person.

19 Misrepresentation of Facts

- (a) It shall be an offence to knowingly misrepresent material facts to another for the purpose of gaining admission to the University or obtaining academic advantage or credit.
- (b) No student shall in the course of their academic life knowingly defraud or abuse the trust of any University office, facility, or service.

Section II: Administration of Discipline

A. DISCIPLINARY OFFICERS

20 Disciplinary Officers

- (a) The members of the staff of the University listed below are constituted Disciplinary Officers:
 - (i) the Deans of the various faculties;
 - (ii) the Dean of Graduate and Postdoctoral Studies;
 - (iii) the Dean of the School of Continuing Studies;
 - (iv) the Senior Director, Student Housing and Hospitality Services;
 - (v) the Dean or Director of Libraries;
 - (vi) the Executive Director of Athletics and Recreation.
- (b) Any Disciplinary Officer listed above may expressly deputize one or more members of their staff to be the Disciplinary Officer acting on their behalf. Deputies shall not be appointed on a case-by-case basis. The name of the deputy shall be communicated in writing to the Dean of Students and such notice shall include the terms of deputization.
- (c) Disciplinary Officers will attend training and information sessions at least once per academic term. Topics may include disciplinary processes, procedural fairness, and other current topics. The Office of the Dean of Students will coordinate such programming.
- (d) Two or more Disciplinary Officers are to be specifically trained to oversee cases related to Sexual Violence.

21 Interim Orders

An Interim Order is not an allegation of offence under this Code, but is rather a short-term measure intended to maintain the peaceable functioning of the University. The student has the right to be informed of the reasons for the interim order by the Disciplinary Officer or other relevant administrative authority. Other parties may be informed of these interim orders as per Article 87(d).

(a) Order to Cease and Desist Communication

Where a student's conduct gives rise to reasonable grounds to believe that the student's continued communication with a Member or Members of the University Community, by electronic or other means, constitutes a threat to the well-being of a Member or Members of the University Community, the Disciplinary Officer may order the student to immediately cease and to desist from such communications for a period not exceeding five days. The order to cease and desist may be extended for good and valid reasons for an additional ten days.

(b) Order to Exclude

Where a student's conduct gives rise to reasonable grounds to believe that the student's continued presence constitutes a serious physical or psychological threat to the well-being of themselves or others, and when the threat(s) cannot be alleviated or remedied by normal means, the Disciplinary Officer may exclude the student from part or all of the University premises for a period not exceeding 10 days. The exclusion may include exclusion from online University resources if deemed appropriate. The order to exclude may be extended for good and valid reasons. However, the Disciplinary Officer, prior to the beginning of the extension, must obtain the majority approval of a Subcommittee of the CSD, consisting of the Chair or Vice-Chair, Dean or Associate Dean of Students, and a student member. If the exclusion extension is approved by the Subcommittee of the CSD, the Dean of Students shall advise the excluded student of their right to a hearing and if the student requests a hearing, shall arrange to hold it within ten days of the approval. The members of the Subcommittee may not sit on the full committee that hears the case, if applicable. A student who is excluded may enter University premises only for reasons permitted by the Dean of Students, or by appointment for meetings with the Ombudsperson for Students, or the Legal Information Clinic at McGill.

- (c) Every member of the teaching staff who is in the process of giving instruction shall have like powers of exclusion on like grounds with respect to students under their instruction, except that such exclusion from the place of instruction shall not exceed the remainder of the class period and the next-following class period.
- (d) The chief or senior invigilator at an examination shall have like powers of exclusion over any student undergoing the examination when the chief or senior invigilator has reasonable grounds to believe that the student is breaking, has broken, or is attempting to break a University or Faculty examination regulation. Such exclusion from the place of examination and its vicinity shall not exceed the remainder of the examination.
- (e) Every administrative officer of a building or a part or grounds thereof shall have like powers of exclusion on the same grounds specified in sub-article 21(b). Such an Order will be in place for 24 hours.
- (f) Any action taken in virtue of sub-articles 21(c), or 21(d), 21(e) shall be forthwith reported to the Disciplinary Officer of the student's Faculty and to the Dean of Students.
- (g) Any restriction on communication or any exclusion ordered under sub-articles 21(a) through (e) shall not be deemed to be in lieu of other proceedings under this Code, should the conduct for which any restriction on communications or exclusion is ordered also constitute an offence under Section I of this Code.
- (h) Sub-article 21(c) is not intended to take away any rights of the student to challenge their exclusion from class before the Disciplinary Officer of the Faculty as not being based on reasonable grounds. In such a case, the Disciplinary Officer will exercise such jurisdiction as provided in the other articles of this Code.

B. COMPOSITION AND ROLE OF COMMITTEES

22 Committee on Student Discipline (CSD)

- (a) The members of the CSD shall be appointed by Senate for staggered renewable three-year terms, with the exception of student members who shall be appointed on a one-year basis, renewable twice. All terms shall be effective 1 September. Membership shall consist of:
 - (i) a Chair, selected from the academic staff;
 - (ii) two or more Vice-Chairs, selected from the academic staff;
 - (iii) eight other members of the academic staff;
 - (iv) twelve students approved by Senate, five selected by the Students' Society of McGill University, three by the Post-Graduate Students' Society, two by the McGill Association of Continuing Education Students, and two by the Macdonald Campus Students' Society;
 - (v) three or more Legal Assessors;
 - (vi) the Dean and Associate Dean of Students.
- (b) Members of the CSD will attend training and information sessions at least once per academic year; the Office of the Dean of Students will coordinate such programming.

23 Hearing Committee of the CSD

- (a) A Hearing Committee of the CSD shall be selected by the Office of the Dean of Students and shall consist of seven CSD members, including:
 - (i) the Chair or Vice-Chair;
 - (ii) two members of the academic staff;
 - (iii) two students;
 - (iv) the Dean of Students or Associate Dean of Students;
 - (v) one Legal Assessor.
- (b) The Dean of Students and the Legal Assessor shall have voice but no vote. When the Chair is presiding, the Vice-Chair may be present at the meeting with voice but no vote.
- (c) In the event that a suitable Hearing Committee from the membership of the CSD cannot be convened, the Principal or delegate shall designate the membership of the Hearing Committee.
- (d) Decisions of the Hearing Committee shall be by a simple majority of the voting members present.

24 Appeal Committee

- (a) The members of the Appeal Committee shall be appointed by Senate for staggered renewable three-year terms, with the exception of student members who shall be appointed on a one-year basis, renewable twice. All terms shall be effective 1 September. Membership shall consist of:
 - (i) a Chair, selected from the academic staff;
 - (ii) eight other members of the academic staff;
 - (iii) six students (three graduate and three undergraduate).
- (b) Two Legal Assessors shall be appointed as non-voting members of the Committee. The Legal Assessors for the Committee on Student Discipline, the Committee on Student Grievances and the Appeal Committee for Student Discipline and Grievances shall serve in the capacity of Legal Assessor, on any of the three committees. The Legal Assessor serving on an appeal committee shall in no instance be the same individual who served as a Legal Assessor for the Committee on Student Discipline.
- (c) As much as possible, members shall be drawn from different faculties with a view to strive for diversity of membership.
- (d) Committee members shall stay on past the end of their terms in order to complete a case where a hearing has begun or proceeded before then.

25 Hearing Committee of the Appeal Committee

- (a) A Hearing Committee of the Appeal Committee shall be selected by the Chair and shall consist of seven members, including:
 - (i) the Chair;
 - (ii) two members of the academic staff;
 - (iii) two students (one graduate and one undergraduate);
 - (iv) one Legal Assessor.
- (b) The Legal Assessor shall have voice but no vote.
- (c) In the event that a suitable Appeal Committee cannot be convened, the Principal or delegate shall designate the membership of the Appeal Committee.
- (d) Decisions of the Hearing Committee shall be by a simple majority of the voting members present.

26 Role of the Legal Assessor

The Legal Assessor is neutral between the parties. The role of the Legal Assessor is to advise the Committee as to the fair conduct of proceedings. The Legal Assessor shall not participate in the decision.

C. DEFINITION AND ADMINISTRATION OF FINDINGS OF RESPONSIBILITY

27 Fines, Restitution and Security

- (a) Unless otherwise provided by the party or hearing body adjudicating the case, the payment of fines, making of restitution and the posting of security shall be made to the University, facilitated by the Office of the Dean of Students within 21 days of the adjudication imposing the same and the exhaustion of all rights of appeal within the University.
- (b) Failure by the student concerned to remit payment of a fine, make restitution or post security within the period stated in sub-article (a), or without any other suitable arrangements for payment of a fine, restitution or safety deposit having been made with the Dean of Students, shall entail automatic deregistration or withdrawal, if the latter is deemed more appropriate, from all courses in current and future terms, without access to any registration activity until such payment is made.
- (c) If a student remains deregistered for a period exceeding two weeks for failure to pay a fine, make restitution or post security, the case shall be referred to the CSD by the Dean of Students for further action, which may include continuation of the deregistration or withdrawal or the imposition of additional sanctions.
- (d) If security has been posted by a student who is subsequently found to have committed another offence or offences, the party or hearing body adjudicating the case may order all or part of the security forfeited to the University in addition to any sanction imposed in respect of such other offence or offences.
- (e) Security once posted shall remain posted until wholly forfeited, or until the fulfilment of a stipulated condition or a specified period of time, neither of which is to exceed 12 months from the time it was posted.

28 Admonishment

An admonishment follows from an official finding of responsibility. It signifies that a student has violated an article of this Code and that this finding was supported by clear, convincing, and reliable evidence. Admonishment is a sanction internal to the University and does not result in a disciplinary record.

29 Reprimand

A reprimand follows from an official finding of responsibility and is a formal sanction. It signifies that a student has violated an Article of this Code and that this finding was supported by clear, convincing, and reliable evidence. A reprimand results in a disciplinary record, kept by the Dean of Students.

30 Conduct Probation

“Conduct probation” means a sanction whereby a student is officially advised that any allegation of a further violation of this Code, during a specified period of time, may be referred to the CSD. As part of this sanction, one or more conditions reasonably related to the offence or offences may also be imposed.

When a student on conduct probation is alleged to have committed a further offence that is in violation of the terms of the conduct probation and/or is a violation of some or all of the same articles as the previous offence, the Disciplinary Officer may, in consultation with the Dean of Students, refer the case directly to the CSD, or interview the student, according to the procedures in Section IV.

When a matter is referred to the CSD, if the alleged offence is a violation of the terms of conduct probation and/or a violation of some or all of the same articles as the previous offence, then the Disciplinary Officer, in their summary presentation at the beginning of the Hearing, shall state that the student is on conduct probation and shall identify the article(s) concerned.

If the alleged offence is not a violation of any of the same articles as the previous offence, no mention of the fact that the student is on conduct probation shall be made prior to the sanctioning phase. If it is found that a further offence occurred, the Hearing Committee shall weigh the importance of any prior conduct probation in choosing the sanction(s).

31 Suspension

Suspension shall entail the withdrawal of such University privileges as are specified by the party or the hearing body imposing the suspension. If no particular privileges are specified, suspension shall entail the withdrawal of all University privileges, including the right to enter and be upon University premises, in which case the student, during such suspension, may only come upon University premises for a specified purpose, previously authorized in writing by a Disciplinary Officer. Violation of any terms of the suspension shall result in the case being referred to the CSD by the Dean of Students for further action. However, suspension may not be used by the Disciplinary Officer as a means to withdraw University privileges from the student except as specified in Article 51(d). Suspension shall be recorded on the academic transcript as follows: "Required to withdraw. May not resume studies until {date}." At the date for resumption of studies, the record shall be removed from the transcript, but shall continue to be maintained in the confidential files held by the Office of the Dean of Students.

32 Exclusion from a Residence

Exclusion from a residence shall entail the withdrawal of such privileges in the residences as are specified by the party or hearing body imposing the exclusion. If no particular privileges are specified, an exclusion from a residence of which the student is a member shall entail the immediate removal of all effects of the student concerned from the residence and their exclusion from all parts of the residence, in which case the student, during such term of such exclusion order, may only enter the residence for a specific purpose previously authorized in writing by the Disciplinary Officer of the residence.

33 Dismissal from the University

Dismissal from the University for disciplinary reasons entails the termination of all the student's rights and privileges as a student at the University and no application for re-admission by the person will be entertained by the University until after a maximum period of two years from the dismissal, or such other lesser period as the CSD may determine. Dismissal shall be recorded on the academic transcript as follows: "Required to withdraw. May not apply for re-admission until {date}." At the date permitted for application for readmission, the record shall be removed from the transcript, but shall continue to be maintained in the confidential files of the Office of the Dean of Students.

34 Expulsion from the University

Expulsion from the University entails the termination of all the student's rights and privileges as a student at the University, and the University will not entertain any application from that person for re-admission. Expulsion shall be recorded on the academic transcript as follows: "Required to withdraw. May not apply for re-admission."

35 Remission, Mitigation and Expunging Record

After all possible recourses as outlined in this Code have been exhausted the Principal or delegate may, upon written request from the student presenting valid grounds, when they consider it appropriate and in consultation with the Dean of Students, remit or mitigate any sanction or condition imposed under this Code or direct the expunging of the disciplinary record of the student maintained by the Dean of Students.

36 Debts Due and Monies Paid the University

Dismissal or expulsion from the University shall not relieve the student from the payment of any debts due the University. Except where the Hearing Committee of the CSD directs otherwise, the student shall not be entitled to the return of fees or other monies paid to the University.

Section III: Reporting of Alleged Offences and Decisions Respecting Jurisdiction

A. REPORTING OF OFFENCES

37 Reporting of Academic Offences

An instructor who to their personal knowledge or upon reliable report has reasonable grounds to believe that a student in the instructor's course, or working under their direction, has committed an academic offence, shall – if the instructor suspects that disciplinary action is appropriate – refer the matter to the Disciplinary Officer of the Faculty in which the

student is registered for disposition in accordance with Section IV. The instructor may not, on their own authority, impose any sanction on the student.

38 Reporting of Non-Academic Offences

- (a) The Office of Campus Public Safety, the Special Investigator under the Policy against Sexual Violence or the Harassment Assessor under the Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law, as the case may be, shall investigate reports of the commission of non-academic offences; otherwise the complainant shall forward their own report directly to the Office of the Dean of Students.
- (b) In the case of a non-academic offence committed in connection with all activities supervised by the Executive Director of Athletics and Recreation, the Dean of Students shall transmit the report to the Disciplinary Officer for Athletics.
- (c) In the case of a non-academic offence committed on or about a library, the Dean of Students shall transmit the report to the Disciplinary Officer for the Libraries.
- (d) In the case of any other non-academic offence, the Dean of Students shall transmit the report to the Disciplinary Officer(s) of the Faculty(ies) in which the student(s) are registered.

39 Reporting after an Investigation of a Non-Academic Offence

- (a) Following its investigation and where a student has been identified, the Office of Campus Public Safety, shall forthwith make a written report to the Dean of Students, which shall include all of the following:
 - (i) identification of the student(s);
 - (ii) statement of facts and allegations, including the names of witnesses;
 - (iii) where applicable, a statement of the repair bill or estimate;
 - (iv) any action(s) taken to date.
- (b) Where possible, when an individual complainant is filing a report, the above information shall also be included.
- (c) Following the process described in the Policy against Sexual Violence or the Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law, the relevant authority shall submit its report and decision to the Dean of Students and the appropriate Disciplinary Officer for a determination as to sanction, if applicable.

40 Reporting Non-Academic Offences: Residences

In the case of a non-academic offence committed by a member of residence in or about one of the residences, the Dean of Students shall transmit the report to the Disciplinary Officer for the student's residence hall. The procedures described in sub-articles (a) through (d) shall be followed.

- (a) The procedures for Residences Offences apply to a student, who, while a member of a residence, allegedly commits a non-academic offence in or about one of the residences. Where a student member of one residence allegedly commits a non-academic offence in or about another residence, the Disciplinary Officer of the residence in which the offence was committed shall have jurisdiction to cede the matter to the Disciplinary Officer of the residence of which the student is a member. Any non-academic offence allegedly committed in or about a residence by a student who is not a member of that or any other residence shall be treated according to the procedures for Non-Academic Offences.
- (b) Nothing contained in any part of this Code is intended to affect the internal rules of any residence as regards any behaviour of members of any residence not constituting a non-academic offence under Section I of this Code.
- (c) Upon being apprised of the alleged commission of a non-academic offence by a member of a residence in or about a residence, the Disciplinary Officer of the residence concerned, following any investigation they may deem necessary may, without an interview, dispense with any further proceedings, but only when satisfied that:
 - (i) the act or acts allegedly committed by the student do not constitute a violation of any provision of Section I (the Rules of Conduct); or
 - (ii) the available evidence is insufficient to enable the student's responsibility to be established; or
 - (iii) payment of the repair bill or estimate by the student may be considered a sufficient disposition of the matter;or

- (iv) the offence is of such a nature that no further proceedings are necessary.
- (d) Whichever of the grounds (i) to (iv) is invoked, no offence will be deemed to have been committed by the student and no entry regarding the matter will appear in the disciplinary record of the student held by the Office of the Dean of Students.

B. JURISDICTION

41 Accepting or Ceding Jurisdiction

- (a) Upon receipt of a report of an offence, the Disciplinary Officer shall inform the Dean of Students whether they wish to assume jurisdiction in the matter and to establish if the student is on Conduct Probation.
- (b) When a student's offence falls under the jurisdiction of more than one Disciplinary Officer, the case must be ceded to one of those Disciplinary Officers. If more than one student is involved in a case, the Disciplinary Officers may cede the case to one of their number or deal only with the students under their respective jurisdictions. Disciplinary Officers must also cede any case that involves a possible conflict of interest or for other legitimate reasons as determined in consultation with the Dean of Students. The Dean of Students must be informed in writing of any decisions to cede jurisdiction.

42 Assumption of Jurisdiction by Disciplinary Officer

If the Disciplinary Officer assumes jurisdiction, they shall interview the student in order to inquire into the alleged offence.

43 Ceding Jurisdiction to CSD

- (a) If in the opinion of the Disciplinary Officer and after consultation with the Dean of Students, it would be more appropriate that the case be heard by the CSD, the Disciplinary Officer may refer the case in writing to the CSD. Normally, the Disciplinary Officer must refer the case to the CSD as soon as reasonably possible after having been apprised of the matter. If, for good reasons, a substantial extension of time is required, the Disciplinary Officer must inform the Dean of Students of the reasons for the delay and must specify a time limit for the eventual referral.
- (b) The Disciplinary Officer and the CSD shall communicate only through the Dean of Students. In any written or oral communication with the Dean of Students, the Disciplinary Officer shall indicate only the allegation(s) outstanding against the student. The Disciplinary Officer shall not refer to any evidentiary matter, statement or testimony involved in the case.

44 Jurisdiction of Dean of Students: Non-Academic Offences

- (a) Upon receipt of the ceding of jurisdiction by the Disciplinary Officer to the CSD, and following any further inquiries that the Dean of Students deems necessary, the Dean of Students may, without a hearing, dispense with any further proceedings under this Code, but only when satisfied that:
 - (i) the act or acts allegedly committed by the student do not constitute a violation of any provision of Section I (the Rules of Conduct); or
 - (ii) the available evidence is insufficient to enable the student's responsibility to be established; or
 - (iii) payment of the repair bill or estimate by the student may be considered a sufficient disposition of the matter;or
- (iv) the offence is of such a nature that no further proceedings are necessary.
- (b) Whichever of the grounds (i) to (iv) is invoked, no offence will be deemed to have been committed by the student and no entry regarding the matter will appear in the disciplinary record of the student held by the Office of the Dean of Students.
- (c) Unless the Dean of Students chooses to dispense with further action under sub-article 44(a), they shall refer the case for a hearing before the Hearing Committee of the CSD.

- (d) The Dean of Students shall make an annual report to the members of the CSD describing the particulars of any action(s) taken under this Article.

Section IV: Procedures for Interviews and Hearings

Procedures under Section IV have an application limited to sanctions in cases referred to in Article 4(b).

45 Right to an Advisor

- (a) The student and the Disciplinary Officer are each entitled to have an advisor present at any interview or hearing held under the Code.
- (b) The student shall be so informed and given the opportunity within a reasonable time to avail themselves of an advisor (e.g. from the [Legal Information Clinic at McGill](#)) before taking part in any interview, or hearing held under the Code.

46 Requirement Regarding Evidence

No charge shall be found to be substantiated unless there is clear, convincing and reliable evidence in support of the charge established at the interview or hearing of the CSD.

47 Confidentiality

All disciplinary proceedings under this Code are confidential and must be treated as such. All participants in interviews and hearings of the CSD must observe this rule. Exceptions are covered in Articles 57 and 87(d,e).

A. INTERVIEWS

48 Call to Interview

- (a) Upon being apprised of the alleged commission of an offence, the Disciplinary Officer may investigate further and shall summon the student concerned to an interview to inquire into the alleged offence.
- (b) The interview shall take place as soon as reasonably possible after the Disciplinary Officer is apprised of the matter. The interview shall take place at least 5 days after the student has been summoned by written notice, unless the parties agree otherwise, but normally within 30 days.
- (c) The student shall be summoned by written notice. The notice shall describe the alleged offence, indicate the provision of the Code under which the allegation is made and inform the student that a copy of such relevant documentation as may be available may be consulted by the student and their advisor before the scheduled interview.
- (d) The notice shall make reference to the right of the student to be accompanied by an advisor as defined under the Code.
- (e) The notice shall provide the website address where the Code of Student Conduct and Disciplinary Procedures may be found.

49 Interview

- (a) If a student does not attend the interview, the interview may be rescheduled once, provided the student has a valid, documented and legitimate excuse for their absence. The student must notify the Disciplinary Officer of the reasons for missing the interview within 1 day of the scheduled interview. In the absence of such an excuse, or in the case the student is absent for a second time, the Disciplinary Officer must consult the Dean of Students and then either dispose of the case based on the evidence in hand, or refer the case to the CSD.

- (b) At the outset of the interview, the Disciplinary Officer shall inform the student that they are not obliged to answer any of the Disciplinary Officer's questions and that any answers given may become the basis for an immediate disposition of the case, or be the subject of testimony by the Disciplinary Officer at a subsequent proceeding.

50 Disposition

At the conclusion of the interview, the Disciplinary Officer shall:

- (a) exonerate the student; or
- (b) admonish the student; or
- (c) reprimand the student; or
- (d) refer the case for a hearing to the CSD, in which case the requirements of Article 43(b) shall apply.

51 Additional Sanctions

If the student is admonished or reprimanded, the Disciplinary Officer may also:

- (a) place the student on conduct probation for a specified period of time;
- (b) require the student to perform up to 10 hours of unpaid non-academic activities or, in the case of residences, up to 10 hours of unpaid community service to the residence, to make restitution to remedy any situation that the student created or helped to create. These activities or service shall not be excessively burdensome to the student. The content of such activities shall be subject to the approval and under the direction of the Disciplinary Officer. In the case of Residence Offences, their content shall be subject to the approval of the relevant director or delegate in Student Housing and Hospitality Services and they shall be under the direction of the Associate Director (Residence Life). If the student does not fulfill this obligation, the Disciplinary Officer involved shall summon the student to a resumption of the interview held under Article 49 to deal with the default, including the possibility of imposing additional sanctions.
- (c) *Academic Offences*: Enter a grade of zero, or assign a partial grade, for the Assessment in question, or enter a failing grade for the course;
- (d) *Academic and Non-Academic Offences*: If the Disciplinary Officer has reasonable grounds to believe that the student's continued presence on campus constitutes a serious physical or psychological threat to the well-being of themselves or others, which cannot be alleviated or remedied by normal means, they may suspend the student for a period not exceeding 30 days. In the required notification, the Disciplinary Officer must state the specific reasons for this decision and the CSD must hold a hearing on the suspension as soon as possible and within not more than 30 days after its imposition. The suspension may be extended for an additional period of not more than 30 days by the CSD if needed to complete the hearing. No student shall be barred from taking any examination(s) or submitting any academic paper(s) because of this Article, and the Disciplinary Officer may make special arrangements as to time and place for the completion of such work.
- (e) *Non-Academic and Residence Offences*:
 - (i) require the student to make restitution for any damage caused, or otherwise rectify any situation that they created or helped to create;
 - (ii) require security for good behaviour not exceeding \$250;
 - (iii) levy a fine not exceeding \$250.

Where a monetary sanction has been imposed, the Disciplinary Officer shall take into consideration the student's financial means to pay. Such fines shall be neither gratuitous nor excessively burdensome to the student.

- (f) *Residence Offences*: Order the student be excluded from the residence for a specified period of time or allow the termination of the educational lease of the student at the residence. Should the student seek a full hearing before the Hearing Committee of the CSD, no order of exclusion from the residence of which the student is a member shall take effect until the case is disposed of by the Hearing Committee of the CSD unless the Disciplinary Officer, in consultation with the Associate Director (Residence Life), has reasonable grounds to believe that the

continued presence of the student in the residence constitutes a serious physical or psychological threat to the well-being of themselves or other residents, in which case the provisions of Article 21(b) shall apply. The Disciplinary Officer may combine any of the above sanctions.

52 Recording of Disposition

If the student has been admonished, whether or not the Disciplinary Officer imposes additional sanctions as provided for under this Code, no disciplinary record shall be kept of the offence. If the student has been reprimanded, whether or not the Disciplinary Officer imposes additional sanctions, the infraction shall be documented as a disciplinary record in the student's file maintained by the Office of the Dean of Students.

53 Notification of Disposition

- (a) The Disciplinary Officer shall as soon as possible and normally within 5 days of the interview, notify the student in writing of the action taken under Articles 50 and 51 and of the student's right to a full hearing, as described in 53(c).
- (b) A copy of the disposition shall within a reasonable time, be sent to the Dean of Students.
- (c) Upon receiving the Disciplinary Officer's notice, the student may obtain a full hearing on the charge or charges before the Hearing Committee of the CSD by electing to do so in a written submission sent to the Dean of Students within seven days.

B. HEARINGS OF THE COMMITTEE ON STUDENT DISCIPLINE

B.1. GENERAL PROVISIONS

54 Suspension of Disposition Pending Hearing of the CSD

When a matter has been referred to the Hearing Committee of the CSD by the Disciplinary Officer or where the student has elected to obtain a full hearing, any disposition of the Disciplinary Officer, except under Articles 51(d), 51(e) and 51(f), shall be suspended pending disposition by the Hearing Committee.

55 Chair's Prerogative

The Chair of the CSD may prolong any minimum period specified in this Section if, in their opinion, the situation so warrants.

56 Private Meeting with Dean of Students

The Dean of Students shall forthwith inform the student in writing that the student is to be brought before the Hearing Committee of the CSD, and shall meet personally with the student to inform them of the substance of the charges, and of the hearing procedures. In convening this meeting, the Dean of Students shall inform the student of their right to an advisor pursuant to Article 45. At the outset of the meeting the Dean of Students shall inform the student of the right to request and consult evidence as per Article 59.

57 Cases Involving More Than One Student

Where more than one student is charged and no conflict of interest is present, the meeting with the Dean of Students and the hearing before the Hearing Committee may include all such students. If students from different faculties are involved in the same charge, the Disciplinary Officers may decide among themselves who is to present the evidence.

58 Closed Hearings

The hearing shall be closed, unless the Hearing Committee directs otherwise and the student(s) consent.

59 Evidence

The student and the Disciplinary Officer shall have access upon request to any documents or other information that are to be presented as evidence, and to the names of advisors and witnesses to be presented in the case by either party; there is a continuing duty on both parties to disclose any evidence that may arise thereafter. A reasonable time, normally 5 days, shall be provided for the parties to consider this evidence before the hearing is held. In the event that either party wishes further time to prepare, an extension may be granted by the Chair of the CSD, in consultation with the Dean of Students.

60 Recording of Hearings and Language of Proceedings

- (a) All hearings shall be audio recorded at the expense of the University. The University retains the right to dispose of the audio records once final judgement has been rendered.
- (b) Other costs shall be paid by each party.
- (c) The student may request a hearing in either English or French.

61 Conflicts of Interest

- (a) If a conflict of interest, as defined in the University's [Regulation on Conflict of Interest](#), arises with respect to any member of the Hearing Committee, the member shall be required to withdraw from the proceedings.
- (b) Issues of conflict of interest may be brought up at any time prior to the final disposition of the case. The issue shall be decided by the Hearing Committee of the CSD before the proceedings may resume.
- (c) Members of the CSD shall not act as advisors to the student or to the Disciplinary Officer, during their tenure on the CSD.
- (d) Where a member withdraws, for whatever reasons, they shall be replaced by another voting member of the CSD, who shall become acquainted with the case by listening to the audio record before becoming a member of the Committee.

62 Time Limit for Hearing

Unless both the Chair and student agree to a shorter period, the hearing may not take place before 5 days have elapsed from the time when:

- (a) The meeting under Article 56 has taken place; or
- (b) The date set for said meeting has passed, and the student has, without reasonable excuse, failed to attend. The hearing may not be delayed unreasonably.

63 Non-Appearance by Student

- (a) If the student fails, without reasonable excuse, to attend the hearing, the Chair may proceed with the hearing in the student's absence or, at the Chair's discretion, postpone the start of the hearing.
- (b) If the hearing proceeds in the student's absence, all rights contingent on the student's presence, with the exception of the right to have an advisor present to plead for postponement, are forfeited. In such a case, the student's right of appeal is limited to a consideration of the reasonableness of their excuse for not appearing.
- (c) If the Appeal Committee finds that the excuse is reasonable, it shall order a rehearing by the original Hearing Committee with the student present. The decision at the rehearing with the student present is appealable as if it were a first hearing.
- (d) In the event that the delays incurred by these procedures make it impossible for the student to provide current information about their academic and/or disciplinary records to third parties, it may be noted on the transcript that disciplinary procedures are pending, but only if the Dean of Students, the Chair of the CSD, and the Legal Assessor concur.

B.2. HEARING RIGHTS AND PROCEEDINGS

64 Summary Presentations

The Disciplinary Officer concerned, who may be assisted by an advisor, shall, at the outset of the hearing, and in the presence of the student and the student's advisor, apprise the Hearing Committee of the facts and allegations of the case, shall present the relevant documentary evidence, and present the names of the witnesses to be called. The student or the student's advisor may make a summary statement in response.

65 Questions of Procedure and Evidence

- (a) All questions of procedure and evidence that may arise during the hearing, including any challenge to procedures antedating the hearing, shall be resolved by the Chair after consulting with the Legal Assessor.
- (b) A ruling that a procedure contained in the Code has not been followed shall not result in annulment of the proceedings if in the judgement of the Hearing Committee of the CSD the error did not cause prejudice to the student or any prejudice that did result can be remedied without causing undue delay in the proceedings.

66 Witnesses

- (a) It is the responsibility of the parties to arrange for witnesses to be available and present for the Hearing Committee.
- (b) Witnesses shall be called by the Chair of the Hearing Committee and heard one at a time. Any member of the Committee, voting or non-voting, may suggest that a witness be called or re-called, including a witness not named by the Disciplinary Officer.
- (c) The Chair of the CSD may allow a witness to be heard by means of videoconference, if, in their opinion, the situation so warrants.
- (d) The student and the student's advisor shall be allowed to call witnesses.
- (e) In the case of an academic offence, the instructor in the course in which the offence took place has the right to be present throughout the hearing, may be called as a witness and may consult with the Disciplinary Officer throughout the hearing.
- (f) In the case of a non-academic offence, the complainant has the right to be present throughout the hearing, may be called as a witness and may consult with the Disciplinary Officer throughout the hearing.

67 Questioning of Witnesses

- (a) All witnesses shall give their entire evidence in the presence of the student, the Disciplinary Officer, and their respective advisors, if any.
- (b) Any member of the Hearing Committee, voting or non-voting, the student, the Disciplinary Officer and their respective advisors, may put questions to the witness.
- (c) The Dean of Students and the Legal Assessor may not ask questions of the parties or speak during the disposition of the case except with permission of the Chair.
- (d) To assure an orderly hearing the Chair may establish the sequence of questioners, and will ensure that questioners treat witnesses in a manner that reasonably respects their dignity, more carefully when that witness is the object of the alleged offence.
- (e) Any documents considered by the Hearing Committee as evidence in the case will be distributed to the student, the Disciplinary Officer and their respective advisors.

68 Right to Give, or Refuse to Give, Evidence

The student shall be afforded an opportunity to give evidence on their own behalf. Should the student decide to give evidence, they will be subject to questions from the hearing body and the other party. No inference may be drawn against the student for refusing to give evidence, except to the extent that allegations against the student, because of their refusal, stand un-contradicted. The Chair shall inform the student as to the substance of this Article and the role of the Legal Assessor.

69 Admissibility of Evidence

The rules of evidence applicable in civil and criminal court proceedings shall not apply to the hearing, so long as the evidence has been obtained in good faith and by reasonable means. Evidence that is not relevant, or is only remotely relevant, shall be excluded. All questions of the admissibility of evidence shall be resolved by the Chair of the Committee after consulting with the Legal Assessor, as per Article 65(a).

70 Representations Regarding Disposition

Where the allegation has been found substantiated, and prior to the decision as to the appropriate disposition, the student, the Disciplinary Officer, and their respective advisors shall be allowed to make representation in regard to the disposition of the case.

71 Provision of Written Reasons for Disposition

The Chair of the Committee in consultation with the Legal Assessor shall provide written reasons for the disposition of the case, which shall accompany official notice to the student of the decision of the Hearing Committee.

72 Disposition

When the matter has been referred to the Hearing Committee of the CSD by the Disciplinary Officer or when the student has elected to obtain a full hearing, the Hearing Committee of the CSD shall hear the case and at the conclusion of the hearing shall:

- (a) Exonerate the student; or
- (b) Admonish the student; or
- (c) Reprimand the student.

73 Additional Sanctions

If the student is admonished or reprimanded, the Committee may also:

- (a) Place the student on conduct probation for a specified period of time;
- (b) Require the student to perform up to 25 hours of unpaid non-academic activities or, in the case of residences, up to 25 hours of unpaid community service to the residence, to make restitution to remedy any situation that the student created or helped to create. These activities or service shall not be excessively burdensome to the student. The content of such activities shall be subject to the approval and under the direction of the Dean of Students. In the case of Residence Offences, their content shall be subject to the approval of the Associate Director (Residence Life) or delegate and they shall be under the direction of the Associate Director (Residence Life). If the student does not fulfill this obligation, the Dean of Students shall summon the student to a resumption of the hearing before the CSD to deal with the default, including the possibility of imposing additional sanctions.
- (c) Suspend the student for a period not exceeding one year;
- (d) Dismiss the student from the University;
- (e) Expel the student from the University;

- (f) *Academic Offences*: Enter a grade of zero, or assign a partial grade, for the Assessment in question, or enter a failing grade for the course;
- (g) *Academic Offences*: Recommend to Senate to revoke a degree, diploma or certificate;
- (h) *Non-Academic and Residence Offences*:
 - (i) require the student to make restitution for any damage caused, or otherwise rectify any situation that they created or helped to create;
 - (ii) require security for good behaviour not exceeding \$500;
 - (iii) levy a fine not exceeding \$500.

Where a monetary sanction has been imposed, the Committee shall take into consideration the student's financial means to pay. Such fines shall be neither gratuitous nor excessively burdensome to the student.

- (i) *Residence Offences*: Order the student excluded from the residence for any specified period of time.

The Hearing Committee may combine any of the above sanctions.

74 Authorization for Assessments while Suspended

Where any suspension imposed includes days upon which Assessments are to be completed, the Hearing Committee, as part of its disposition, may authorize the student to write appropriate deferred examinations or to submit appropriate Assessments late without sanction.

75 Record on Academic Transcript

Action taken under sub-articles (c), (d), (e) and (g) of Article 73 shall be appropriately annotated on the student's academic transcript (see Articles 31, 33 and 34).

76 Record of Disposition of the Hearing Committee of the CSD

If the student is admonished, whether or not the Committee imposes additional sanctions as provided for under this Code, no disciplinary record shall be kept of the offence. If the student is reprimanded, whether or not the Committee imposes additional sanctions as provided for under this Code, the infraction shall be documented as a disciplinary record in the student's file maintained by the Dean of Students.

77 Appeals

Appeals from the decision of the CSD Hearing Committee shall be governed by the provisions of Section IV-C.

C. APPEALS OF DECISIONS OF THE CSD HEARING COMMITTEE

78 Grounds for Appeal

The student concerned or the Disciplinary Officer may appeal to the Appeal Committee the decision of the CSD Hearing Committee as it pertains to the substantiation of the charge, the disposition chosen, or both, except as limited by Article 63. Appeals will be restricted to the following circumstances:

- (a) Where new evidence that was not available to a party at the time of the original hearing has been discovered; or
- (b) Where failure to follow proper procedure (procedural error) or bias has occurred; or
- (c) Where the Hearing Committee has misapplied any articles in Section I of this Code, or the articles described in the sanctions section (Section II-C);

AND where the outcome of the case might have been substantially affected by any of the above circumstances.

79 Intention to Appeal

- (a) A party wishing to appeal must notify the Secretary of the Appeal Committee of the intention to do so within 14 days of receiving official notice of the CSD Hearing Committee's decision by way of Notice of Appeal. The notice of appeal must be accompanied by a concise written statement that identifies precisely the facts buttressing the grounds upon which the appeal is based.
- (b) The Secretariat shall notify the Office of the Dean of Students that a notice of appeal has been received.
- (c) Where the ground invoked for the appeal is Article 78(a) or 78(b), such new evidence shall be described clearly and the names of any witnesses shall be provided or documents proving the existence of new evidence shall be attached to the notice of appeal.
- (d) The Secretary of the Appeal Committee shall transmit the Notice of Appeal to the Chair of the Appeal Committee and to the respondent(s) forthwith. The respondent shall submit a concise written reply to the appellant's notice of appeal and the grounds invoked within 14 days of receiving the notice of the appeal. This statement shall identify the respondent's position on each ground of appeal.
- (e) Only those portions of the record of the CSD Hearing Committee (i.e., audio records, documents submitted, judgement) identified by the parties as relevant to the grounds of appeal shall be released by the Office of the Dean of Students.
- (f) The Chair of the Appeal Committee, in consultation with the Secretary, composes a Subcommittee to make a preliminary determination on the appeal for the purpose of deciding whether leave to appeal should be granted.

80 Subcommittee of the Appeal Committee – Preliminary Determination

- (a) A Subcommittee of the Appeal Committee, consisting of three voting members of the Committee (one of whom shall be a student) and the non-voting Legal Assessor, shall be convened by the Chair of the Appeal Committee to determine whether the appeal should be heard on its merits and if so, on which ground(s).
- (b) The Subcommittee of the Appeal Committee shall meet within 30 days of the notification of appeal under Article 79, unless the parties agree otherwise, or in circumstances in which delay is unavoidable.
- (c) The Subcommittee shall base its decision on the record as defined in Article 79.
- (d) The decision of the Subcommittee is not subject to appeal.
- (e) If the Subcommittee grants leave to appeal, it shall state on which ground and if leave to appeal is granted on grounds in Article 78(a) or 78(b), which new evidence shall be authorized to be produced to and considered by the Hearing Committee of the Appeal Committee.

81 Hearings of Appeals

- (a) If the Subcommittee grants leave to appeal, the appeal shall be heard by a Hearing Committee of the Appeal Committee as defined in Article 25.
- (b) The Appeal Committee shall be convened within 20 days of the decision of the Subcommittee, unless the parties agree otherwise, or in circumstances in which delay is unavoidable.
- (c) In its consideration of the appeal, the Appeal Committee shall hear oral submissions by the parties, and by the witnesses they had named in the Notice of Appeal and in the Response to the Notice of Appeal, if leave to appeal was granted on grounds in Article 78(a) or 78(b), and may review any relevant information in the written record and/or in the audio record of the original hearing as directed by the parties. Witnesses shall not be called except those authorized by the Subcommittee to produce new evidence.
- (d) The hearing shall be closed, unless the Hearing Committee of the Appeal Committee directs otherwise and the student consents.

82 Decisions of the Hearing Committee of the Appeal Committee

(a) Decisions concerning the ground of new evidence

- (i) If the Hearing Committee of the Appeal Committee decides that there is new evidence as per Article 78(a) and that the outcome of the case might have been substantially affected, it shall allow the appeal and refer the case back for reconsideration by the CSD, with mention of that new evidence to be considered.
- (ii) If the Hearing Committee of the Appeal Committee decides that there was new evidence and is satisfied that the existence of such new evidence might not have substantially affected the outcome of the case, it shall dismiss this ground of appeal.
- (iii) If the Hearing Committee of the Appeal Committee decides that there was no new evidence as per Article 78(a), it shall dismiss this ground of appeal.

(b) Decisions concerning the ground of procedural error

- (i) If the Hearing Committee of the Appeal Committee decides that there was a procedural error as per Article 78(b) and that the outcome of the case might have been substantially affected, it shall allow the appeal and refer the case back for reconsideration by the CSD, with instructions on the procedural error to be corrected. To the extent possible, the Hearing Committee of the CSD will be composed of different members from the Hearing Committee of the CSD that has heard the case.
- (ii) If the Hearing Committee of the Appeal Committee decides that there was a procedural error and is satisfied that the existence of such procedural error might not have substantially affected the outcome of the case, it shall dismiss this ground of appeal.
- (iii) If the Hearing Committee of the Appeal Committee decides that there was no procedural error as per Article 78(b), it shall dismiss this ground of appeal.

(c) Decisions concerning the ground of bias

- (i) If the Hearing Committee of the Appeal Committee decides that there was a bias as per Article 78(b) and that the outcome of the case might have been substantially affected, it shall allow the appeal and refer the case back for reconsideration by an Ad Hoc CSD, the composition of which shall be entirely different from the Hearing Committee of the CSD that has heard the case.
- (ii) If the Hearing Committee of the Appeal Committee decides that there was bias and is satisfied that the existence of such bias might not have substantially affected the outcome of the case, it shall dismiss this ground of appeal.
- (iii) If the Hearing Committee of the Appeal Committee decides that there was no bias as per Article 78(b), it shall dismiss this ground of appeal.

(d) Decisions concerning the grounds of misapplications of any articles in Section I of this Code, or articles described in the sanctions sections (Section II-C)

- (i) If the Hearing Committee of the Appeal Committee decides that there was a misapplication as per Article 78(c) and that the outcome of the case might have been substantially affected, it shall allow the appeal and refer the case back for reconsideration by the CSD, with instructions on the misapplication to be corrected. To the extent possible, the Hearing Committee of the CSD will be composed of different members from the Hearing Committee of the CSD that has heard the case.
- (ii) If the Hearing Committee of the Appeal Committee decides that there was a misapplication and is satisfied that the existence of such misapplication might not have substantially affected the outcome of the case, it shall dismiss this ground of appeal.
- (iii) If the Hearing Committee of the Appeal Committee decides that there was no misapplication as per Article 78(c), it shall dismiss this ground of appeal.

(e) The decision of any Hearing Committee of the CSD rendered pursuant to Articles 82(a)(i), 82(b)(i), 82(c)(i) and 82(d)(i) is not subject to appeal.

(f) A copy of the decision referred to in Article 82(e) shall within a reasonable time, be sent to the Secretary of the Appeal Committee.

83 Conflict of Interest

- (a) If a conflict of interest, as defined in the University's Regulation on Conflict of Interest, arises with respect to any member of the Hearing Committee of the Appeal Committee, the member shall be required to withdraw from the proceedings.
- (b) Issues of conflict of interest may be brought up at any time prior to the final disposition of the case. The issue shall be decided by the Hearing Committee of the Appeal Committee before the proceedings may resume.
- (c) Members of the Appeal Committee shall not act as advisors to the student or to the Disciplinary Officer, during their tenure on the Appeal Committee.
- (d) Where a member withdraws, for whatever reasons, they shall be replaced by another voting member of the Appeal Committee, who shall become acquainted with the case by listening to the audio record before becoming a member of the Hearing Committee of the Appeal Committee.

84 Status Pending Appeal Decision

- (a) No suspension, dismissal or expulsion ordered by the Hearing Committee of the CSD shall take effect until the appeal is disposed of and it shall be noted on the transcript that the appeal is pending. However, if the appeal is denied, dismissal or expulsion is retroactive to the date of the original decision, and suspensions shall take effect from the date of the Appeal Committee decision.
- (b) Notwithstanding sub-article (a), in the instance where an exclusion from the campus has been ordered under 21(b) or 51(d), and the CSD has upheld the order after a hearing, the exclusion shall remain in effect for the duration of an appeal.

85 Decision of Appeal Committee

Within the jurisdiction of the University, the decision of the Appeal Committee is final.

86 Summer Months

During the months of July and August, hearings may be delayed due to the unavailability of parties or committee members.

Section V: Disciplinary Records, Confidentiality and Reporting

87 Disciplinary Records and Confidentiality

- (a) The Dean of Students shall keep a file in respect of each student charged under this Code. They shall enter thereon all matters required by this Code to be entered in relation to the student and shall inform the appropriate authorities of all sanctions imposed so that the sanctions may be enforced.
- (b) Where a student is exonerated or admonished for the commission of an offence under this Code, the matter, as documented in the file held as per sub-article (a), shall not be deemed a disciplinary record and shall not be reported to persons outside the University, except as provided by sub-article (e).
- (c) Where a student is reprimanded for the commission of an offence under this Code, the matter, as documented in the file held as per sub-article (a), shall be deemed a disciplinary record, which shall be reportable to persons outside the University, but only with the student's prior consent for each report.
- (c) The files shall be kept in strictest confidence and shall be communicated only to the student concerned and to other persons within the University having legitimate interest or duty to take communication of them. The complainant who brought forward the allegation shall be informed by the Dean of Students of the disposition of the case. The complainant may not appeal the decision of the Disciplinary Officer and must treat the information as confidential.

- (e) Nothing contained herein shall be interpreted as preventing a Disciplinary Officer or member of the CSD from responding to a court order requiring the disclosure of information or statements obtained in the course of an interview or hearing conducted under this Code.

88 Annual Report of the Code of Student Conduct and Disciplinary Procedures

An annual report of the activities under the Code of Student Conduct and Disciplinary Procedures shall be prepared by the Dean of Students and presented to Senate and to the Board for information. No mention shall be made of the names of the parties nor of any information that might lead to their identification.

89 Transitional Provisions

This Code applies to all files as soon as it is adopted by the Senate of the University. However, two exceptions exist for files that are ongoing at the time of the adoption of this Code by Senate:

- (a) If a student was notified of an order under Article 21 or the launch of disciplinary proceedings, the matter continues to be governed by the former Code until disposition;
- (b) When a notice of appeal has been sent to the Secretary of the Appeal Committee pursuant to Article 79(a) prior to the adoption of this Code by the Senate of the University, that matter continues to be governed by the former Code until a decision is rendered by the Subcommittee of the Appeal Committee or by the Hearing Committee of the Appeal Committee, as applicable.

Legislative History:		
<i>Approved:</i>		
Senate	May 13, 1981	Minute 99
<i>Amended:</i>		
Senate	February 26, 1986	Minute 58
Senate	April 29, 1987	Minute 87
Senate	May 30, 1990	Minute 129
Senate	April 21, 1993	Minute 106
Senate	October 20, 1993	Minute 36
Senate	May 4, 1994	Minute 148
Senate	December 7, 1994	Minute 48
Senate	May 1, 1996	Minute 112
Senate	May 7, 1997	Minute 6
Senate	March 3, 1999	Minute 7
Senate	March 13, 2002	Minutes 10, 11
Senate	April 3, 2002	Minute 1
Senate	April 2, 2003	Minute 12
Senate	May 19, 2004	Minute 14
Senate	April 13, 2005	Minute 10
Senate	May 4, 2005	Minute 11
Senate	May 25, 2005	Minute 16
Senate	October 19, 2005	Minute 8
Senate	December 6, 2006	Minute 11
Senate	September 22, 2011	Minute IIB7
Senate	April 17, 2013	Minute IIB3
Senate	January 16, 2019	Minute 2