

STUDENT RESPONSIBILITIES & CONDUCT: PROCEDURES

It is important to note that whenever possible & appropriate, matters under Code will be dealt with informally before utilizing the formal disciplinary procedures as set out in the Code.

Minor offences will normally be dealt with informally within the area or department where the offence has occurred. In the case that an offence has arisen in a classroom setting, this may be achieved through discussion with the Professor/Instructor or Chair of the Department.

The Dean of Students should always be consulted before invocation of the Code. The graphics below outline the process.

Reports of alleged offences should be filed within 72 hours of an occurrence. A late report may be received where circumstances warrant it; the Dean of Students has discretion to receive and review late reports.

Once the report is received by the Dean of Students, the student allegedly responsible for the offence will be notified in writing (typically within 5 business days of the report being received).

Submit a written report outlining an occurrence of an alleged offence that warrants a review & possibly disciplinary sanctions under the Code. This report is submitted to the Dean of Students.

In cases where there may be a penalty that could affect the academic progress of a student, the VPAD may act jointly with the Dean of Students.

This letter will include the nature of the reported offence & the facts alleged against the student. Written notification will be sent by registered mail or personal delivery. Upon delivery, notice will be considered complete whether or not the notice letter is read or acknowledged by the student.

PROCEDURES CONTINUED

Upon notification that an alleged offence has been reported, a student is required to meet with the Dean of Students & the person(s) reporting the alleged offence of the Code to discuss the occurrence, the written report of the alleged offence and to present their account of the occurrence.

The Dean of Students may request/allow other persons to attend the meeting at their discretion; meetings will be held ASAP (normally within 10 business days following notification).

All complaints will be confidential to the extent possible and without fear of reprisal, however, proper investigation of a complaint may require the identity of the parties involved to be disclosed to each other and third parties, including witnesses.

The responding student will be provided reasonable opportunity to respond to the report, to meet with the Dean of Students and to present evidence. It is the responsibility of the student to provide all materials that will support their position and to produce their own witnesses.

In situations where the Dean of Students determines that further investigation is necessary, an External Investigating Officer (EIO) will be appointed to undertake the investigation and report. The Secretary of the Board of Directors is responsible for appointing the EIO. The Dean of Students shall keep all parties to a complaint informed about the progress of the investigation.

The Dean of Students & relevant academic areas shall use their best efforts to ensure that the academic progress of any student party to the complaint is not unreasonably jeopardized. The Dean of Students will compile a report of all findings of offences under the Code of Conduct; this report will include the nature of the offences and the sanctions assigned, with the students' names removed. This report will be included in the Annual Report of the Dean of Students.

APPEALS

A student may appeal the decision of the Dean of Students' and/or the sanctions imposed. An appeal may be made to the King's University College Discipline Appeal Committee on the ground that the decision and/or the sanction(s) was unreasonable or unsupportable on the evidence before the Dean of Students.

A student may appeal on one or more of these grounds:

That there was a serious procedural error(s) in the hearing of the complaint by the Dean of Students and/or which was prejudicial to the appellant;

That new evidence, not available at the time of the earlier decision, has been discovered, which casts doubt on the correctness of the decision;

That the Dean of Students and/or designate did not have the authority under this Code to reach the decision or impose the penalty that they did.

The discipline appeal committee may:

Deny the appeal

OR

In the case of an appeal under section 1 or 2 (a) or (b), grant the appeal and quash or vary the original decision or grant the appeal and vary the penalty.

OR

In the case of an appeal under section 2 (c), grant the appeal and quash the original decision.

The right to be represented by counsel will be accorded to the principal parties to the appeal; the Discipline Appeal Committee also reserves the right to retain counsel.

Note: the parties must bear their own legal expenses, if any. The Discipline Appeal Committee will not order the College to pay all or part of an appellant's costs nor will it order the appellant to pay all or part of the College's costs.

CHAIR & MEMBERSHIP

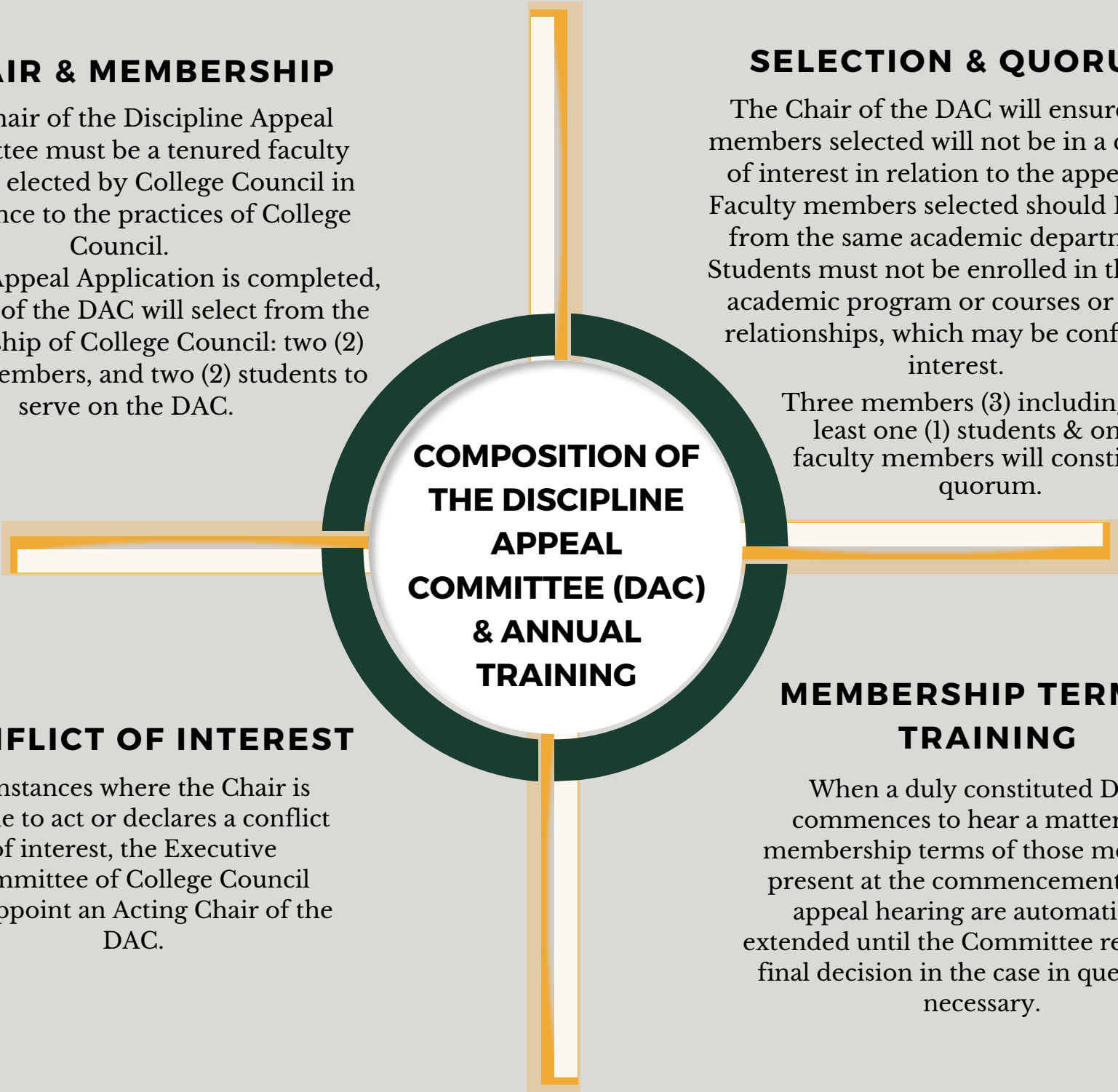
The Chair of the Discipline Appeal Committee must be a tenured faculty member elected by College Council in accordance to the practices of College Council.

When an Appeal Application is completed, the Chair of the DAC will select from the membership of College Council: two (2) faculty members, and two (2) students to serve on the DAC.

SELECTION & QUORUM

The Chair of the DAC will ensure that members selected will not be in a conflict of interest in relation to the appellant. Faculty members selected should NOT be from the same academic department. Students must not be enrolled in the same academic program or courses or other relationships, which may be conflict of interest.

Three members (3) including at least one (1) students & one (1) faculty members will constitute a quorum.



COMPOSITION OF THE DISCIPLINE APPEAL COMMITTEE (DAC) & ANNUAL TRAINING

CONFLICT OF INTEREST

In instances where the Chair is unable to act or declares a conflict of interest, the Executive Committee of College Council will appoint an Acting Chair of the DAC.

MEMBERSHIP TERMS & TRAINING

When a duly constituted DAC commences to hear a matter, the membership terms of those members present at the commencement of the appeal hearing are automatically extended until the Committee renders its final decision in the case in question, if necessary.

APPEAL PROCEDURES

An Appeal Application must be filed with the Secretary of the Board of Directors within two weeks after the Dean of Students has issued a decision.

The Application must contain a copy of the decision, the grounds for the appeal, the outcome sought, a full statement supporting the grounds for the appeal, the name of the legal counsel or agent, if any, and any relevant documentation in support of the appeal.

An Appeal Application will not be accepted by the Secretary of the Board of Directors (BOD) if incomplete or not filed within the time period specified above. Exceptions to the time limit are at the discretion of the Chair of the DAC upon written application of the student. Forms are available from the Secretary of the BOD.

When the basis of the appeal is new evidence, such new evidence shall be described clearly and the names of any witnesses shall be provided.

Parties to the appeal are the student against whom the decision has been made (Appellant) and the Dean of Students (Respondent). The Secretary of the BOD will provide the Respondent with a copy of the Appeal Application and attachments, The Respondent will file a concise written reply to the Appeal Application with the Secretary of the BOD within 10 days of receiving the documents. A copy of the reply will be provided to the Appellant.

Upon receipt of an Appeal Application, the Secretary of the BOD will notify the Chair of the DAC, who will constitute and convene a DAC as described in Chair & Membership previously.

APPEAL PROCEDURES CONTINUED

Subject to the requirements set out herein, the DAC will determine its own procedures and practice, consistent with past practice, in any appeal and make such rules and orders, as it deems necessary and proper to ensure a fair and expeditious proceeding. It is bound by neither strict legal procedures nor strict rules of evidence. The DAC shall proceed fairly in its disposition of the appeal, ensuring that both parties are aware of the evidence to be considered, are given copies of all documents considered by the DAC, and are given an opportunity to be heard during the process.

The DAC may summarily dismiss an appeal if the Appeal Application does not, in the judgement of the DAC, raise a valid ground of appeal or does not assert evidence capable of supporting a valid ground.

The DAC may, in its discretion, hold an oral hearing or make its decision solely based on written submissions; provided that it will hold an oral hearing if a party satisfies it that there is a good reason for doing so.

DAC meetings and hearings are held in camera (i.e. are not open to other members of the College community or the public.)

While an attempt will be made to schedule an oral hearing at a time convenient to the DAC and the parties, a request by a party for a lengthy delay in the scheduling of the hearing, or a postponement of a scheduled hearing, will be granted by the Chair only in exceptional circumstances. Oral hearings will ordinarily be held within 6 weeks of filing of the Appeal Application. In the case of an oral hearing, if the Secretary of the BOD is unable to contact the Appellant within a reasonable amount of time to schedule a hearing, the Appellant will be notified by mail of the deadline by which they must contact the Secretary of the BOD to arrange a hearing.

Each party to an oral hearing will be sent a notice of hearing setting out the time, place and purpose of the hearing. Proceeding regardless of a parties absence.

APPEAL PROCEDURES CONTINUED

Each member of a DAC will vote. There will be no abstentions. A majority of positive votes is required to grant an appeal. The Chair will only vote in the event of a tie.

The Chair of the DAC may waive any time limits specified herein or any procedures adopted in a given proceeding.

The decision, with reasons, will be filed with the Secretary of the BOD. Copies will be sent to all parties, to the proceedings, as well as to others with a legitimate need to know (eg. Enrolment Services, Security, and Campus Police). If an appeal is denied or if a sanction is varied, a copy of the decision will be retained in the Dean of Students if appropriate, and in the Office of the Academic Dean.

The Secretary of the BOD, or the Secretary's designate, shall provide administrative support to the DAC.

The Secretary of the BOD will compile a report annually of the number of appeals, the nature of appeals and the disposition, with students' names removed. This report will be forwarded to the Dean of Students and appended to the report on offences under the Code of Conduct in the Annual Report of the Dean of Students.

FURTHER APPEAL

Within 10 business days of the decision of the DAC, either party may appeal to the Principal (or designate) on the grounds that the DAC had no power to reach the decision it did, or that there was serious procedural error by the DAC that was prejudicial to either party.

FURTHER APPEAL CONTINUED & MORE INFORMATION

The appeal must state the full grounds upon which the party relies and all arguments in support thereof.

After inviting written submissions from the parties, the Principal (or designate) may dismiss the appeal, grant the appeal, or make such other disposition of the matter as they deem appropriate. The Principal's (or designate's) decision is final.

Official Student Records, in electronic or paper form, contain information pertaining to a student's application, admission and performance at King's University College.

Decisions against a student, including appeal decisions, under the Code of Student Conduct are part of the Official Student Record.

These records are maintained by the Enrolment Services. Only suspension or expulsions will be noted on official student transcripts.

Reports and questions regarding Code of Student Responsibilities and Conduct can be sent to Joe Henry, Dean of Students, at joe.henry@kings.uwo.ca



For access to the Code of Student Responsibilities and Conduct, scan the barcode here.