

**LAURENTIAN UNIVERSITY OF SUDBURY**

**CODE OF STUDENT RIGHTS AND RESPONSIBILITIES**

<b>Office of Administration</b>	Vice-President, Finance and Administration Provost & Vice-President, Academic
<b>Approval Authority</b>	Senate Board of Governors
<b>Approval Date</b>	<b>By Senate:</b> December 14, 2021 <b>By Board of Governors:</b> February 11, 2022
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**1. Purpose**

1.1 The purpose of the Code of Student Rights and Responsibilities (“Code”) is to define the parameters of conduct considered to be consistent with the goals and values that promote the wellbeing of the Laurentian University of Sudbury’s (“University”) community.

**2. Scope**

2.1 This Code applies to non-academic behavior of Students, individually and collectively, in an academic setting, social setting, or recreational setting, whether on or off campus.

- 2.2 This Code applies to all Students including those studying off campus, online and where the University has formal partnerships.
- 2.3 Without limiting the generality of section 2.1, and for greater certainty, this Code applies to all Students acting as a delegate or designated representative of the University, members of a class, exchange Students studying at the University, Students participating at a University sponsored event on or off campus, Students who are at their place of work while on a University placement, and Students participating in a cooperative education program, internship, or equivalent.
- 2.4 Any Student found to have violated this Code is subject to the disciplinary sanctions as set out in section 12 of this Code, regardless of the action or inaction of civil authorities. Nothing in this Code precludes the University from referring an individual matter to the appropriate law enforcement agency before, during, or after a disciplinary action is taken by the University under this Code. A Student may be subject to criminal prosecution and/or civil proceedings notwithstanding and in addition to, disciplinary action taken by the University against the Student under this Code.

### **3. Definitions**

- 3.1 Associate Vice-President, Student Affairs, Registrar and Secretary of Senate: Refers to the Associate Vice-President, Student Affairs, Registrar and Secretary of Senate, or equivalent job title at the University.
- 3.2 Class: a period of instruction in person, off campus or online such as a lecture, seminar, tutorial, laboratory session, recital, concert, placement, practicum, internship, or a sporting event.
- 3.3 Complainant: a person who files a complaint under this Code.
- 3.4 Faculty member: any full-time, part-time, or sessional faculty member employed by the University.
- 3.5 Misconduct: an action by a Student that violates this Code.
- 3.6 Partners: post-secondary institutions with which the University has formal collaborative partnerships.

- 3.7 Provost & Vice-President, Academic: refers to the Provost & Vice-President, Academic or equivalent job title at the University.
- 3.8 Respondent(s): a Student or a group of Students against whom a complaint has been made under this Code.
- 3.9 Sanctions: measures imposed upon a Student who has committed Misconduct under this Code.
- 3.10 Student: refers to an undergraduate, graduate, full-time, part-time, distance education Student, auditor, exchange Student, continuing Student at the University, and includes a Student who is at their place of work while on a University placement, or is participating in a cooperative education program, internship, or equivalent.
- 3.11 Support Person: a person who provides advice, guidance, and/or moral support to a Student Respondent under this Code, keeping in mind that the Respondent is responsible for expressing their own thoughts and feelings and for full disclosure of information related to the allegations. The Support Person cannot be a witness in any investigation under this Code.
- 3.12 University Premises: refers to buildings and lands owned, leased, operated, controlled, or supervised by the University and includes places or facilities on campus or off campus as well as technology platforms (includes, but is not limited to, Desire 2 Learn, Student Portal, Web Advisor) used for the provision of the University's courses, programs, or services or for University approved or sponsored events or activities.
- 3.13 Vice-President Finance and Administration: refers to the Vice-President Finance and Administration or equivalent job title at the University.
- 3.14 Visitor: any person who is visiting University Premises.
- 3.15 In this document, words in the singular may, when the context so warrants, signify the plural.

#### 4. Principles

- 4.1 The University is committed to promoting and respecting academic freedom. The University shall act to safeguard this principle as long as it does not violate the provisions of this Code. Students have the right to express their views in a responsible, respectful, and ethical manner.

- 4.2 Laurentian University is further committed to promoting a respectful, diverse and inclusive community where every individual can work and learn in an environment that is supportive of productivity and academic achievement and respects the dignity and worth of all members of the community.
- 4.3 The Equity, Diversity and Human Rights Office is responsible for the administration of this Code and any related procedures.
- 4.4 Whenever appropriate, the Equity, Diversity and Human Rights Office will encourage Informal Resolution of complaints.
- 4.5 Students are responsible for using the standard of conduct set out in this Code when using any electronic communication devices to send or post messages or material, including on social media.
- 4.6 The University is committed to procedural fairness in the application of this Code, ensuring that Students are aware of their rights, are informed of any complaint against them including its nature and the details presented by the complainant, the deadlines, the identity of the complainant(s), the right to respond to the complaints, and the right to appeal a decision made in connection of this Code.
- 4.7 The Equity, Diversity and Human Rights Office has the authority to gather information and make the appropriate enquiries from University officials when dealing with a matter related to this Code.
- 4.8 The Equity, Diversity and Human Rights Office shall report annually on the number, type and disposition of cases brought under this Code.

## 5. **Authority**

- 5.1. In 1983, the University's Board of Governors abrogated subsection 24(2) and section 25 of the Laurentian University of Sudbury Act (1960) which prescribed to the Board of Governors the authority to deal with Student disciplinary matters. By Law 83-1 of the Board of Governors delegate its authority for Student disciplinary matters to the University's Senate.
- 5.2. The Associate Vice-President, Student Affairs, Registrar and Secretary of Senate has the authority to impose all sanctions under this Code with the exception of suspending or expelling Students.

- 5.3. The Provost & Vice-President, Academic has the authority to impose all sanctions under this Code.

## 6. **Related Policies**

- 6.1 This policy is part of a tetralogy of Laurentian Policies that support learning and working places free from discrimination, harassment, sexual harassment, bullying, violence and sexual violence. Including:

6.1.1 Policy on the Response and Prevention of Sexual Violence;

6.1.2 Laurentian University Policy and Program on a Respectful Workplace and Learning Environment; and

6.1.3 Laurentian University Policy on Workplace Violence Prevention.

- 6.2 In most circumstances, this Code operates independently from other applicable University policies. In certain circumstances, more than one policy or code may apply, or may be referred to the process outlined under this Code. No disciplinary action taken pursuant to any other policies or codes of the University shall bar or prevent the University from instituting disciplinary proceedings and imposing sanctions under this Code. However, where the University proposes to take additional disciplinary actions, discussions must be held between the Equity, Diversity and Human Rights Office and the other lead administrator of the other policy or code before such disciplinary proceedings are initiated. The related policies include but are not limited to:

6.2.1 The tetralogy of policies as referred to in 6.1;

6.2.2 Student Codes of Conduct or Guidelines from other units/departments, including but not limited to: campus residences, Varsity Athletics, and Campus Recreation;

6.2.3 Professional Programs/Schools Codes of Conduct, Guidelines or Standards of Practices;

6.2.4 Policies of other post-secondary institutions where the University has formal collaborative partnerships;

6.2.5 Policy on Access to Electronic General and Personal Information; and

6.2.6 Any other relevant policy or code that may be enacted subsequent to

this Code.

## **7. Student Rights and Responsibilities**

- 7.1 To learn in a safe, respectful and positive learning environment.
- 7.2 To express your views in a responsible, respectful and ethical manner.
- 7.3 To make a complaint of Misconduct without fear of reprisal.
- 7.4 To procedural fairness when a complaint is made under the Code, including:
  - 7.4.1 The right to be fully informed of the nature and details of the complaint, including the identity of the Complainant.
  - 7.4.2 The right to have an agent present during all stages of the complaint process.
  - 7.4.3 The right to be provided with an opportunity to respond to a complaint.
  - 7.4.4 The right to an appeal of a finding of Misconduct.

## **8. Categories of Misconduct**

- 8.1 Fraud or Misrepresentation:
  - 8.1.1 Engage in unauthorized and/or fraudulent use of University equipment or services;
  - 8.1.2 Gain unauthorized access to or make unauthorized use of personal information;
  - 8.1.3 Misrepresent themselves, another person, or represent that they represent or speak for the University;
- 8.2 Offences against Property:
  - 8.2.1 Destroy, damage, possess without authorization, or adversely affect intellectual or physical property belonging to members of the University community or its guests, including but not limited to:
    - 8.2.1.1 Threatening any other person with damage to that person's

property, or knowingly causing a person to fear damage to their property;

8.2.1.2 Theft of any University or personal property, including intellectual property and information; or

8.2.1.3 Damaging or defacing the interior or exterior of University buildings and facilities including signage, parking installations, and other equipment.

8.2.1.4 Tamper with, or render inoperable any of the University's fire and safety equipment including making false alarms, unauthorized use of extinguishers or fire hoses, unauthorized opening of fire doors, disabling emergency telephones, blocking emergency exits, and setting unauthorized fires or any such action causing endangerment to individuals and to property.

### 8.3 Offences against Persons:

8.3.1 Threaten one or more persons, the University community, or its guests;

8.3.2 Persistently and/or repeatedly communicate or attempt to communicate directly or indirectly with a member of the University's community when such communication is unwelcome;

8.3.3 Persistently and/or repeatedly follow a member of the University community from place to place on University Premises;

8.3.4 Engage in language or behavior that causes one or more persons to fear on reasonable grounds for their safety or the safety of persons known to them, and/or that adversely affects the University working and learning environment. ;

8.3.5 Harm and/or endanger the health or safety of members of the University community or its guests. Offences include but are not limited to:

8.3.5.1 Assaulting another person, threatening any other person with bodily harm, or knowingly cause any other person to fear bodily harm;

8.3.5.2 Creating a condition that unnecessarily endangers the health or safety of another person;

8.3.5.3 Organizing or participating in any hazing activity, defined as any act, regardless of an individual's willingness to participate,

which humiliates, degrades or endangers the mental or physical health or safety of that individual, or could reasonably be seen to humiliate, degrade or endanger the mental or physical health or safety of that individual, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization.

#### 8.4 Drugs and Alcohol:

- 8.4.1 On University Premises, possess, cultivate, use, or traffic illegal or unauthorized substances including but not limited to: drugs or noxious, flammable, explosive, or pyrotechnic materials;
- 8.4.2 Possession of firearms, ammunition, or other weapons on University Premises without authorization;
- 8.4.3 Unauthorized possession, consumption, or distribution of alcohol as defined by the *Liquor License Act of Ontario*;
- 8.4.4 Unauthorized possession, consumption, or distribution of cannabis as defined by federal and provincial legislation or failure to comply with any applicable University policies regarding the use and possession of cannabis on campus.

#### 8.5 Abuse of the Code of Student Rights and Responsibilities Process:

- 8.5.1 Knowingly make a complaint against any Student under this Code that is frivolous, vexatious, malicious or in bad faith. This is not to be confused with making a *bona fide* complaint that is subsequently found to be without merit;
- 8.5.2 Counsel, procure, conspire with, or otherwise aid any person(s) committing a Misconduct under this Code;
- 8.5.3 Engage in reprisals and retaliation and/or threats of reprisal or retaliation against any person(s) for pursuing their rights under this Code;
- 8.5.4 Obstruct University officials by failing or refusing to comply with University policies and procedures and/or sanction(s) imposed subsequent to a finding of Misconduct under this Code.



## 9. **Complaints of Misconduct**

- 9.1 A written complaint must be made by filling out a Case Resolution Request Form and submitting it to the Equity, Diversity and Human Rights Office. An Incident Report from Campus Safety may be considered a written complaint.
- 9.2 The complaint must set out in writing the name of the Respondent, the nature and the details of the circumstances, including detailed facts, specific dates and names of potential witnesses. The Equity, Diversity and Human Rights Office will acknowledge receipt of any written complaint received, review it and if necessary, seek clarification from the Complainant on the information it contains.
- 9.3 Initial Assessment:
- 9.3.1 The decision on whether or not to proceed with a resolution process, whether informal or formal, shall be made by the Equity, Diversity and Human Rights Office. On receiving a written complaint (Case Resolution Request Form), the Equity, Diversity and Human Rights Office will assess whether the following criteria have been met:
- 9.3.1.1 Whether the matter is within the jurisdiction of Laurentian University i.e. involving a Student or Students of Laurentian University;
- 9.3.1.2 Whether the allegations fall within the scope of this Code, i.e. the alleged conduct forming the basis of the complaint falls within one of the Categories of Misconduct as defined in Section 8;
- 9.3.1.3 Whether the complaint is timely i.e. the most recent alleged incident occurred within the past year. In extenuating circumstances, and at the discretion of the Equity, Diversity and Human Rights Office, an extension of time may be considered.
- 9.3.2 If the foregoing intake and assessment criteria are not met, the Complainant will be advised of the determination not to proceed. Recognizing that this action does not resolve the Complainant's issue, the Equity, Diversity and Human Rights Office may be able to recommend other problem solving options or refer the Complainant to other Laurentian University services or resources.

#### 9.4 Complaint Procedures:

- 9.4.1. Once the complaint is accepted under either the Informal Resolution Process or the Formal Complaint Process, the Respondent will be notified in writing that a complaint has been filed. The Respondent will be provided with a summary of the allegations, identifying the Complainant. The Respondent will also be provided a copy of this Code.
- 9.4.2. The Equity, Diversity and Human Rights Office, may, where appropriate, collaborate with the Dean (within the home faculty of the Student), Director of Campus Safety, or any other relevant University officials, through all stages of the Informal Resolution Process or Formal Complaint Process.
- 9.4.3. The Student shall be given a reasonable opportunity to meet in person with the Equity, Diversity and Human Rights Office to discuss the complaint.
- 9.4.4. If the Student does not respond to the complaint notification or does not meet with the Equity, Diversity and Human Rights Office after having been given a reasonable opportunity to do so, the Equity, Diversity and Human Rights Office may forward the complaint to the appropriate decision-maker, as outlined in section 9.8 of this Code, for disposition of the complaint. If the Student refuses to cooperate, in most cases it will be both possible and appropriate to proceed without the participation of the Student.
- 9.4.5. At all meetings with the Equity, Diversity and Human Rights Office, a Support Person of their choosing may accompany the Student.

#### 9.5 Informal Resolution Process:

- 9.5.1 Wherever possible, and appropriate, the Equity, Diversity and Human Rights Office will utilize the Informal Resolution Process to resolve complaints. In general, an informal resolution process would be appropriate when the following conditions are met:
  - 9.5.1.1 The nature of the incident is appropriate to an informal resolution process;
  - 9.5.1.2 Individuals were well informed and able to make an informed

choice about their participation, and;

9.5.1.3 The person(s) affected by the Misconduct is/are known, available, and freely agree to participate in an informal resolution process.

9.5.2 Where all the criteria for informal resolution are met the Equity, Diversity and Human Rights Office may facilitate the informal resolution process, or, where appropriate, refer the parties to other alternative dispute resolution processes.

9.5.3 Examples of informal resolution processes include mediation, negotiation, facilitation, conflict resolution conferences, restorative justice including healing circles, and other dispute resolution techniques.

9.5.4 The Respondent may choose to undertake a process that acknowledges how others have been impacted, without admitting Misconduct. This could include acknowledging the impact of the situation, and proposing remedies to address the impact and avoid further escalation of the situation.

9.5.5 Any information provided during the informal resolution process is without prejudice and will not be introduced as evidence in any subsequent investigation or process.

9.5.6 At the conclusion of the Informal Resolution Process, the Equity, Diversity and Human Rights Office will document the agreed upon resolution.

## 9.6 Formal Complaint Process:

9.6.1 Where the Informal Resolution Process is not successful, or where the nature of the Misconduct is such that informal resolution would not be appropriate, the Formal Complaint Process may be initiated.

9.6.2 Upon receiving a copy of the Complaint Notification as set out 9.4.1., under the Formal Resolution Process, the Respondent shall have the right (but is not obliged) to respond in writing, within ten (10) working days of being notified. The response, if any, should either acknowledge or deny the validity of the allegations in whole or in part, provide additional information, and/or propose a resolution of the complaint.

A request for an extension of the response period will not be unreasonably withheld.

- 9.6.3 The Respondent has the right to contact the Equity, Diversity and Human Rights Office in order to obtain information, guidance and assistance and discuss options. The Equity, Diversity and Human Rights Office will not directly assist the Respondent to prepare their response; the Respondent may seek such assistance from a support person of their choosing.
- 9.6.4 The Complainant shall be provided with a copy or summary of the response and has the right (but is not obliged) to reply, in writing, within five (5) working days. The Complainant may, in their reply, accept the Respondent's proposed resolution, if there is one; propose or request an alternate resolution, withdraw some or all of the allegations, or rebut the Respondent's contradictory evidence or affirmative defence.
- 9.6.5 The Respondent is provided with a summary of the Complainant's reply, which ends this stage of the process.

## 9.7 Investigation:

- 9.7.1 The Equity, Diversity and Human Rights Office will appoint an investigator who is impartial and unbiased and who is trained in investigation techniques, to conduct an investigation as expeditiously as possible in accordance with the procedures in this Code.
- 9.7.2 The Equity, Diversity and Human Rights Office will make all relevant documentation collected about the complaint available to the appointed investigator.
- 9.7.3 The investigator shall collect, review, analyze and assess the facts with respect to the merits or veracity of the allegation(s). Facts are derived from evidence provided by the Complainant, the Respondent, as well as witnesses and other evidence, if any, and may include inferences drawn by the investigator from the evidence gathered.
- 9.7.4 A typical investigation involves, but is not necessarily limited to, the information gathered in the complaint/response process, supplemented by interviews, if necessary, with the Complainant, Respondent and witnesses (in that order) and the review of any applicable documentary, physical, corroborative or contemporaneous

or other evidence. Witnesses may include anyone who can provide information, records or details regarding an allegation or the circumstances surrounding a complaint. When material facts are not in dispute, interviewing witnesses may be unnecessary.

9.7.5 The investigator shall submit a written report to the Equity, Diversity, and Human Rights Office summarizing the results of the investigation, and including a determination, on a balance of probabilities, as to whether or not the Respondent has violated this Code (the "Report").

9.7.6 The Report must not only be fair and impartial, but also thorough, complete and useful and shall include a clear statement based, on a balance of probabilities stating one of the following that:

- 9.7.6.1 allegations in the complaint are substantiated; or
- 9.7.6.2 allegations in the complaint are unsubstantiated; or
- 9.7.6.3 there is insufficient evidence on which to base a finding; or
- 9.7.6.4 the complaint was frivolous, vexatious, malicious or made in bad faith.

9.7.7 The conclusion of the investigation is marked by the delivery of the Report to the Equity, Diversity and Human Rights Office by the investigator.

9.7.8 Within five (5) working days of the conclusion of the investigation, the Equity, Diversity and Human Rights Office, after reviewing the Report, will submit same to the Associate Vice-President, Student Affairs, Registrar and Secretary of Senate.

9.8 Decision:

9.8.1 Within fifteen (15) working days of receiving the Report from the Equity, Diversity, and Human Rights Office, the Associate Vice-President, Student Affairs, Registrar and Secretary of Senate, will then decide, in accordance with the Code, the appropriate sanction to be imposed (as set out in Section 12, below), if any. Associate Vice-President, Student Affairs, Registrar and Secretary of Senate will communicate their decision in writing to the Equity, Diversity and Human Rights Office (the "Written Decision").

9.8.2 Should there be a determination that the Misconduct is serious enough

to warrant suspension or expulsion, the Associate Vice-President, Student Affairs, Registrar and Secretary of Senate shall forward this recommendation in writing to the Equity, Diversity, and Human Rights Office and the Provost & Vice-President, Academic with reasons to explain the recommendation. Should the Provost & Vice-President, Academic accept the recommendation, they will prepare a written decision imposing the sanction(s) and communicate this decision in writing to the Equity, Diversity and Human Rights Office. If the Provost & Vice-President, Academic determines that the recommended sanction(s) are not appropriate, they will meet with the Associate Vice-President, Student Affairs, Registrar and Secretary of Senate to determine appropriate sanction(s).

- 9.8.3 Upon receipt of the Written Decision, the Equity, Diversity and Human Rights Office will prepare a confidential Notice of Decision. The confidential Notice of Decision shall include a summary of the evidence as aggregate information that does not identify individuals and set out the decision including any sanction(s) imposed.
- 9.8.4 The Notice of Decision will be marked Confidential and will be subject to the confidentiality provisions set out below at section 11.
- 9.8.5 The Equity, Diversity and Human Rights Office will provide a copy of the Notice of Decision to the Respondent and to the Complainant.
- 9.8.6 Where appropriate, relevant University officials may be informed of information relating to the matter, including but not limited to sanctions/remedies on a need to know basis.

## 10. **Interim Measures**

- 10.1 After a complaint of Misconduct is filed, in circumstances where the allegations of a Misconduct by a Student are determined to constitute a threat to the health and safety of members of the University community, or will disrupt instructional activities, including examinations the Equity, Diversity and Human Rights Office has the authority to implement interim measures to the Student while the investigation of the Misconduct is ongoing in order to properly balance the rights and safety for the complainant(s) and/or community with the Student's rights.
- 10.2 Interim measures may include, but are not limited to the following:
  - 10.2.1 Limit the access on University Premises;

- 10.2.2 Restrict the Student's contact or association with certain individuals or groups;
  - 10.2.3 Suspend Student privileges;
  - 10.2.4 Temporarily suspend a Student from campus.
- 10.3 Any interim measures are in no way to be construed as a final determination that a breach of this Code has occurred, and are taken on a without prejudice basis.
- 10.4 The Equity, Diversity and Human Rights Office shall adhere to the principle of proportionality when imposing an interim measure, and should seek to impose an interim measure that is least disruptive to the Respondent while simultaneously achieving the intended goals of the measure.
- 10.5 An interim measure imposed shall remain in place until a decision is made at the conclusion of an investigation, unless otherwise ordered by the Equity, Diversity and Human Rights Office.

## 11. Confidentiality

- 11.1 Confidentiality is required in all procedures under the Code of Student Rights and Responsibilities. Because of the particular sensitivity of complaints and their consequences, confidentiality is of the utmost importance and will be maintained at all times, unless the safety of members of the Laurentian Community are at risk or subject to the disclosure requirements under the Code of Student Rights and Responsibilities and/or the *Freedom of Information and Protection of Privacy Act, 1990* or any other applicable legislation. Maintaining confidentiality benefits everyone involved in the complaint process. Those making complaints shall not discuss the matter other than with the appropriate parties. Those involved in dealing with the complaints will disclose information only where absolutely necessary and the Complainant will be consulted before any disclosure of information is made. The importance of confidentiality will be stressed to all those involved in an investigation and everyone will be strictly required not to discuss the complaint with colleagues.
- 11.2 Confidentiality does not mean anonymity. In the instance of acting on a complaint, a fundamental principle is that the Respondent must be informed of who has made the allegations, and the specific nature of the allegations, at the earliest possible point in the process.
- 11.3 In limited situations, it may be necessary to convey relevant information to the appropriate university official in order for Laurentian University to fulfill its obligation as employer and policy enforcer.

## 12. Sanctions

- 12.1 Sanctions should be proportional to the type of Misconduct. In considering an appropriate sanction, the University's primary focus will be to ensure the safety and security of the University's community.
- 12.2 If a protected ground under the Ontario *Human Rights Code* is found to have been a factor in the Misconduct, this will be considered an aggravating factor in the determination of the appropriate sanction.
- 12.3 The University shall also consider the following factors when determining the appropriateness of the sanctions:
  - 12.3.1 The circumstances of the incident(s) from all parties involved;
  - 12.3.2 The extent and severity of the Misconduct, including the effects on other members of the University community;
  - 12.3.3 The seriousness of the Misconduct as an isolated incident or as part of an escalation of a pattern of Misconduct;
  - 12.3.4 Intent; and
  - 12.3.5 The Student's non-academic record.
- 12.4 The University reserves the right to continue its investigation of Misconduct and impose appropriate sanctions even where a Student withdraws from the University.
- 12.5 The University reserves the right to commence an investigation of a former Student's Misconduct that came to light after the Student left the University and to impose appropriate sanctions.
- 12.6 The University may impose one or more sanctions where a Student has committed Misconduct. Examples of sanctions include, but are not limited to:
  - 12.6.1 Verbal warning;
  - 12.6.2 Written warning given to an offending Student indicating the date, time, and nature of the offence and a period of probation that is a minimum of three semesters and a maximum of three years. If a



Student is found to have committed another act of Misconduct while on probation, they will be subject to a further and greater penalty;

- 12.6.3 Exclusion from a class, examination room, or other area; Verbal or written apologies, work assignments, service to the University, restriction of privileges, written assignments, completion of a workshop or project;
  - 12.6.4 Temporary or permanent removal from a course;
  - 12.6.5 Behavioural contract;
  - 12.6.6 Prohibition or limitation on entering University Premises;
  - 12.6.7 Prohibition or restriction of contact with specified person(s);
  - 12.6.8 Restitution for loss, damage, or injury to the appropriate party or parties in the form of service, money, or material replacement;
  - 12.6.9 Forfeiture of University awards or financial assistance;
  - 12.6.10 Deregistration from some or all courses;
  - 12.6.11 Suspension from the University for a specified time period; and
  - 12.6.12 Expulsion from the University.
- 12.7 Transcripts and Registration:
- 12.7.1 When a Student receives the sanction of suspension or expulsion:
    - 12.7.1.1 The notations “suspended” or “expelled” from the “University” for Misconduct shall be entered on the Student’s Transcript and Grade Report by the Registrar upon receipt of a notice of suspension or expulsion.
    - 12.7.1.2 The suspension notation will be removed when the Student graduates or five (5) years after the last registration.
    - 12.7.1.3 The expulsion notation is permanent unless the Provost & Vice-President, Academic grants a petition for its removal. Any such petition may be made no sooner than five (5) years

after the offence. Removal of the expulsion notation from the transcript does not overturn the expulsion decision, which will remain in effect.

12.8 Where appropriate, the decision-maker may consider remedies that may be provided to the Complainant to address the effect of the Misconduct.

### 13. **Right of Appeal**

13.1 The Respondent has the right to appeal a finding of Misconduct or a sanction imposed under this Code.

13.2 A decision made under this Code by the, Associate Vice-President, Student Affairs, Registrar and Secretary of Senate shall be appealed to the Vice-President, Academic and Provost.

13.3 A decision made under this Code by the Provost & Vice-President, Academic that includes the sanction of suspension or expulsion shall be appealed to the Vice-President, Finance and Administration.

13.4 The available grounds for appeal are limited to the following:

13.4.1 There has been a misinterpretation, a violation, an improper application, or faulty administration of this Code;

13.4.2 The decision is clearly unreasonable or unsupportable on the evidence; or

13.4.3 There is new relevant evidence available that was not possible to obtain previously.

13.5 Filing an appeal will not stay the implementation of any sanctions that have been imposed.

13.6 On appeal, the Vice-President, Academic and Provost, or the Vice-President, Finance and Administration may:

13.6.1 Deny the appeal.

13.6.2 Grant the appeal and direct the previous decision maker to re-hear the matter or reconsider some pertinent aspect of the decision; and

13.6.3 Grant the appeal and quash the original decision or grant the appeal and vary the sanction.

### 13.7 Appeal Procedure:

- 13.7.1 The request for appeal must be made in writing within ten (10) working days of receiving the decision. The request for appeal must be submitted to the Provost & Vice-President, Academic (if the decision being appealed was rendered by the Associate Vice-President, Student Affairs, Registrar and Secretary of Senate, or to the Vice-President, Finance and Administration (if the decision being appealed was rendered by the Vice-President, Academic and Provost).
- 13.7.2 The request for appeal must contain a copy of the previous decision; a full statement supporting the grounds for the appeal; the outcome that the Student is seeking; the name of legal counsel or Agent, if any; and if relevant, any documentation in support of the appeal. Where the basis of the appeal is new evidence, such new evidence shall be described clearly and the names of any witnesses shall be provided.
- 13.7.3 An appeal will not be accepted by the Provost & Vice-President, Academic or the Vice-President, Finance and Administration if incomplete or not filed within the time period of ten (10) days. Exceptions to the time limit for filing an appeal are at the discretion of the Provost & Vice-President, Academic or Vice-President, Finance and Administration, upon written application of the Student.
- 13.7.4 The other party in the case will be notified that an appeal has been requested, and will be invited to make a written submission in response to be considered in the appeal.
- 13.7.5 The Vice-President, Academic and Provost, or the Vice-President, Finance and Administration will review the investigation report, the original decision, and any written submissions in support of or response to the appeal by the parties. The Provost & Vice-President, Academic or the Vice-President, Finance and Administration may, in their discretion, also request an interview with each party.
- 13.7.6 Within (20) working days of receiving the written appeal, the Provost & Vice-President, Academic or the Vice-President, Finance and Administration, will render a final, written decision on the appeal. The decision will be filed with the Equity, Diversity and Human Rights Office. Copies shall be sent to all parties involved in the proceedings as well as to other University administrators on a need to know basis.

**14. Files of the Equity, Diversity and Human Rights Office**

14.1 Files and records with respect to the administration of this Code shall be maintained within the Equity, Diversity and Human Rights Office.

**15. Notice of Collection of Personal Information Under this Code**

15.1 Any personal information about an individual collected in respect of the Policy and this Program, is pursuant to The Laurentian University of Sudbury Act, 1960. Such information will only be used for the purposes and functions outlined in this Code. If an individual has any questions about the collection, use, and disclosure of this information please contact the Equity, Diversity and Human Office.