

<b>University of Prince Edward Island</b>	<b>Policy No:</b> admss_gnl0001	<b>Revision No:</b> 1
<b>Policy Title:</b> Students' Rights and Responsibilities Code		<b>Page</b> 1 of 8
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## 1 Purpose

- 1.1 The University of Prince Edward Island is committed to creating a scholarly community characterized by honesty, civility, diversity, free inquiry, freedom from harassment, mutual respect and individual safety. Each student is responsible for his/her conduct which affects the University community.
- 1.2 The Students' Rights and Responsibilities Code exists to define students' basic rights and responsibilities as members of the campus community, to define accepted standards for student conduct, and to define procedures to be followed if acceptable student conduct is not upheld.
- 1.3 This Code shall not be construed to unreasonably restrict peaceful assemblies, demonstrations or free speech.
- 1.4 This Code will uphold procedural fairness by ensuring students have the right to be heard and the right to an objective and unbiased decision. At all times a student whose behavior has been questioned under the Code has the right to be notified in writing of any allegation, sanction or decision. Students have the right to know the nature and the source of the evidence and the right to respond.

## 2 Scope

- 2.1 This policy covers the conduct of UPEI students in non-academic university related activities. Students' academic conduct is governed by University Regulations 12 and 20. UPEI students are expected to conduct themselves in a manner consistent with the university's scholarly community characterized by honesty, civility, diversity, free inquiry, freedom from harassment, mutual respect and individual safety: this includes conduct at any University-related activities on campus, including UPEI Residences and University-related events held off campus.

## 3 Standard for Student Conduct

- 3.1 Misconduct for which University students will be subject to discipline includes but is not limited to:

- 3.1.1 **Disruptive or dangerous behaviors** that infringe on the rights of others to participate in University activities by word or actions; or creation of a situation which endangers or threatens the health, safety or well-being of another individual, or the harm, injury or threatening of any person. This includes disruptions within the classroom.
- 3.1.2 **Damage destruction, and theft** such as the possession or use of University property or property of any member of the University community without appropriate consent or authority; misappropriation, destruction or damage of University property or resources; misappropriation, destruction or damage of other's property on the University campus; or defacement of any University building or property, or possession or use of property belonging to someone else, which is acquired in connection with a University activity, without appropriate consent or authority.
- 3.1.3 **Fraud and Misuse** such as forgery, the misuse or alteration of any University document or record in paper or electronic form, or obtaining any University equipment, material or service by fraudulent means.
- 3.1.4 **Unauthorized entry or presence.** No student shall enter or remain in any University building or facility, which is not designated for student use without proper authorization; or enter, remain in, or willingly allow others to have access to areas designated for faculty or staff use only, or other areas designated as restricted without proper authorization.
- 3.1.5 **Violation of University Policies.** No student shall contravene any University policy, including but not limited to the *Fair Treatment Policy*, *Residence Life Agreement*, *Computer Use Policy*, *Alcohol Safety Policy*, *Library Policies*, and *UPEI Athletics Player Code of Conduct*. If such a violation occurs, then in such instances, the applicable policy shall be followed.
- 3.1.6 **Abuse, misuse, or disrespect the process of this Code.** No student shall falsify or misrepresent information, or cause others to falsify or misrepresent information, which either leads to or is presented at an internal disciplinary hearing; or not comply with reasonable requests of a university representative or fail to attend meetings or hearings specific to the expectations and requests under this code; or fail to comply with Code sanctions.

#### 4 Procedure For Processing A Complaint

- 4.1 Members of the university community are encouraged and expected to resolve disputes or concerns in a professional, informal and respectful manner that will foster a resolution to correct the behavior and/or address the concern. Protection of individuals' privacy will be respected in accordance with established policies and laws.
- 4.2 In the absence of resolving a dispute or concern informally, any one of the parties involved in the situation can proceed with filing a complaint under this policy.

##### 4.3 Filing A Complaint

- 4.3.1 Any person may file a complaint under this code. The complaint will allege a violation of the standard for student conduct.
- 4.3.2 The complaint must be in writing and the complainant must be identified – anonymous or third party complaints will not be processed.
- 4.3.3 The complaint must be made within 10 business days of the alleged incident.
- 4.3.4 The complaint must be made to the Director of Student Services.

##### 4.4 Processing The Complaint

- 4.4.1 Upon receiving a written complaint, the Director of Student Services shall verify and clarify as necessary the details of the complaint, and shall establish a time and place for a hearing of the complaint, to be held **within ten (10) business days of receiving the complaint**.
- 4.4.2 The Director of Student Services shall notify the student respondent that a complaint has been received and invite the student respondent to meet to:
- 4.4.2.1 clarify the process for dealing with such complaints;
  - 4.4.2.2 provide an opportunity for the student respondent to offer an initial response to the alleged misconduct, and,
  - 4.4.2.3 have the opportunity to admit to the misconduct, with or without explanation, and avoid a full disciplinary hearing.
- 4.4.3 If the Director of Student Services has heard an admission of misconduct from the student respondent, he/she shall advise the student of his/her decision regarding a penalty. A penalty is a reasonable and natural consequence for committing the misconduct including but not limited to: a

letter of apology covering reasonable financial costs related to damage or costs incurred in repair or replacement of an object; or a maximum 12-week exclusion from participation in or attendance at specific University-related events. The student may accept this decision or may request a hearing of the Student Discipline Committee to consider the penalty.

- 4.4.4 In the absence of an admission of misconduct, the Director of Student Services shall serve the student respondent and complainant with notice in writing of the time and place of the hearing, and the nature of the alleged misconduct not later than three (3) business days prior to the time set for the hearing. This notice may be waived by mutual agreement.

## **5 Student Discipline Committee Hearing**

5.1 The Student Discipline Committee shall consist of:

- 5.1.1 Three members of UPEI faculty or staff to be appointed by the Vice-President, Academic of which one member will be appointed Chair;
- 5.1.2 Two students selected by the University Student Union Council;
- 5.1.3 The Director of Student Services, as an ex-officio member without voting authorities.

5.2 The Chair shall vote only in the case of a tie. A quorum for the Student Discipline Committee shall require 3 members with at least one from each of the faculty and student representation. Student Disciplinary Hearings will adhere to principles of natural justice and fairness. Natural justice is defined as procedural fairness for the persons involved that ensures a fair decision is reached by an objective authority. The appropriate standard for a decision in this process is proof on the balance of probabilities.

- 5.2.1 Hearings of the Student Discipline Committee are confidential and all members of the Committee shall respect the confidentiality of the proceedings of the Committee.
- 5.2.2 The University may proceed with a case even if it is also being dealt with in proceedings external to the University.
- 5.2.3 At the beginning of a hearing, the Chair shall ask the student respondent to admit or deny the allegations of misconduct. In the event that the student respondent neither admits nor denies the allegations, the Chair shall consider that the student respondent denies the allegations and require the complainant to provide evidence in support of the complaint.

- 5.2.4 The Student Discipline Committee shall first provide both the complainant and then the student respondent the opportunity to testify personally, to call witnesses and to make representations.
- 5.2.5 Both the complainant and the student respondent shall normally present their cases without the necessity of representation. In extraordinary circumstances, a student may be permitted to be assisted by an advisor, but in any case, he/she shall so advise the Director of Student Services not less than 3 business days prior to the hearing.
- 5.2.6 A student may appeal decisions of the Student Discipline Committee to the Senate Committee on Student Discipline Appeals.

## **6 Decision**

- 6.1 The Student Discipline Committee shall, within five (5) business days of the conclusion of a hearing, render its decision including the reasons for such in writing.
- 6.2 A decision of the Student Discipline Committee shall be a decision of a majority of the Committee.
- 6.3 The student respondent and the complainant shall be sent a copy of the decision, and a copy of the decision shall be sent to the President of the Student Union and the Vice- President, Academic of the University.
- 6.4 Other than expulsion from the University, or suspension for a time-specific duration, disciplinary sanctions shall not be part of the student's academic record, but shall be kept on file in the Department of Student Services, for use in the event of further breaches of this Code.

## **7 Appeals Of Student Discipline Committee Decisions**

- 7.1 The complainant or the student respondent may appeal the decision of the Student Discipline Committee to the Senate Committee on Student Discipline Appeals, in writing, within five (5) business days of the date of notification of the decision on one or more of the following grounds only:
  - 7.1.1 That the Student Discipline Committee had no authority to reach the decision or impose the penalty it did;

- 7.1.2 That the Committee erred in a procedural manner that seriously compromised the objectivity and fairness of either the complainant or accused or both;
  - 7.1.3 That there is new evidence that was not available at the time of the hearing that will significantly impact the decision;
  - 7.1.4 That there are compassionate grounds for the appellant that were not previously raised with the Committee.
- 7.2 An appeal must be delivered in writing to the Director of Student Services within fourteen (14) business days of the Student Discipline Committee's decision.
- 7.3 The Senate Committee on Student Discipline Appeals is comprised of 2 faculty members (2-year term, initially staggered), 3 students (no term), and 1 administrator (2-year term). Members cannot have been previously involved in any manner with the case before them.
- 7.4 The appeal applicant has:
- 7.4.1 The right to bring an advocate or advisor with him/her to the appeal hearing – provided that the name of the advocate or advisor has been supplied to the Senate Committee in writing at least three (3) days prior to the hearing.
  - 7.4.2 The right to challenge the membership of any one member of the Senate Committee on Student Discipline Appeals on the grounds of reasonable apprehension of bias against the applicant. The Senate Committee, in the absence of the member(s) being challenged, will decide on the validity of the apprehension for bias. If the Senate Committee supports the apprehension for bias a replacement committee member will be appointed to hear the appeal.
  - 7.4.3 The right to have the appeal heard in a timely manner.
  - 7.4.4 The right to a private hearing.
- 7.5 The Senate Committee will render a written decision no later than fourteen (14) days after the Appeal hearing and will:
- 7.5.1 Allow the appeal;
  - 7.5.2 Affirm or modify the Student Discipline Committee decision.

7.6 The Senate Committee of Student Discipline Appeals finding is final and binding.

## **8 Corrective Actions**

8.1 Penalties/remedies imposed by the University for misconduct may include but are not limited to one or more of the following courses of action which shall be put in writing and sent to the student:

- 8.1.1 dismiss the complaint;
- 8.1.2 suspend the imposition of any penalty, either conditionally or absolutely;
- 8.1.3 recommend professional assistance;
- 8.1.4 issue a formal written reprimand, to be placed in the student's file;
- 8.1.5 assess and recover costs to rectify the damage or loss caused by the student;
- 8.1.6 require the student to write a letter of apology;
- 8.1.7 recommend performance of community service;
- 8.1.8 require campus and/or behavioral restrictions;
- 8.1.9 recommend to the President the immediate suspension or expulsion of the student from the university.

8.2 In deciding on the appropriate sanction to be imposed for an act of student misconduct, consideration may be given to the following factors:

- 8.2.1 the extent of the misconduct;
- 8.2.2 the inadvertent or the deliberate nature of the misconduct;
- 8.2.3 whether the act in question is an isolated incident or part of repeated acts of misconduct;
- 8.2.4 any other mitigating or aggravating circumstances.

## **9 Emergency Measures**

9.1 If the Director of Student Services determines that the presence at the University of a student may pose a risk to safety and security, he/she will seek approval from the Vice-President, Academic to impose an immediate suspension of up to ten (10) business days. The student will be notified by the Director of Student Services of the decision to invoke an emergency suspension. This suspension will prohibit the student from being on the university campus and in any of the campus buildings or facilities – on or off the campus.

- 9.2 If, after further investigation, it is determined that the student continues to pose a risk to safety and security, the President can, upon receiving a recommendation from the Vice-President, Academic and Director of Student Services, suspend a student for a period not to exceed the lesser of sixty (60) business days or the time it takes to convene a meeting of the Student Discipline Committee.
- 9.3 Where a student has been charged under the Criminal Code of Canada, the maximum number of days may be extended to take into account the scheduling of criminal proceedings, depending on the nature and severity of the offence with which the student is charged.

## **10 Review**

This policy shall be reviewed at least every five years.