

CODE OF STUDENT CONDUCT AND DISCIPLINARY PROCEDURES

SECTION ONE: RULES OF CONDUCT

1.1.2. GENERAL PROVISIONS

1.1.1. Definitions

- (a) “**Advisor**” means a member of the University community (i.e., someone holding office under at the University of Kigali, someone appointed or employed by, or registered as a student at, the University of Kigali) who has agreed to act in an advisory capacity and who may accompany a student or Disciplinary Officer to any hearing, summary hearing, or interview held under the Code. Advisors are not paid for their services.
- (b) **Committee on Student Discipline** (CSD) is a committee of Senate whose members may conduct a disciplinary hearing.
- (c) “**Days**” do not include weekends or holidays as recognized by the University calendar.
- (d) “**Disciplinary Officer**” means a member of the staff of the University (who is not a student of the UoK) who has only the powers, duties, and obligations expressly conferred upon them in this Code, as well as any powers reasonably incident thereto.
- (e) “**Disciplinary record**” means the record that is retained by the Dean of Students in respect of a student concerning violations of this Code for which the student was reprimanded.
- (f) “**Exonerate**” means officially note that an allegation that a student violated an article of this Code was not supported by clear, convincing, and reliable evidence.
- (g) “**Hearing of the CSD**” means the disciplinary proceeding that follows from a referral to the CSD.
- (h) “**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, elect to hold a summary hearing or refer the matter to the CSD.

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- (i) “**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.
- (j) “**Legal Assessor**” means a member of the academic staff from the Faculty of Law, appointed by Senate, whose role is to advise the CSD or the Appeal Committee as to the conduct of proceedings.
- (k) “**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 a 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) postgraduate fellows.
- (l) “**Summary hearing**” means the disciplinary proceeding whereby the Disciplinary Officer may summon the student to appear, in the presence of the party who reported the alleged offence and of witnesses named by that party, the Disciplinary Officer, or 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 case to the CSD.
- (m) “**University**” means the University of Kigali and all its various campuses.

1.1.2 Notices

- (a) Any notice required to be communicated under this Code shall be communicated by:
 - (i) email to the student's official email address provided during the registration; or
 - (ii) hand-delivered to the student; or
 - (iii) registered mail to the student's address recorded with the University.

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(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;

(ii) the day it was hand-delivered, or

(iii) the fourth day after mailing.

1.1.3 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 offense.

(b) If prior to the initiation or completion of any proceedings under this Code the student has graduated, the disciplinary review may continue only if the student registers again for a new program or if the alleged offense, if proved, would impugn the validity of the degree conferred.

(c) Jurisdiction under this Code extends to students who have counseled or knowingly aided another person or persons in the commission of an offense under this Code.

1.1.4. Code All-Inclusive

(a) No action may be taken against a student under this Code unless his or her conduct falls within one or more of the offenses 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 charged with an offense under such University regulation or policy, and the charge is substantiated further to a process under that regulation or policy, any sanction against the student will be taken in accordance with this Code. Any finding of responsibility shall not be reinvestigated or reconsidered.

1.2. NON-ACADEMIC OFFENCES

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

1.2.1. 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.

1.2.3. Picketing and Demonstrations

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

(a) Knowingly use words that threaten violence or bodily harm to any group or individual in a situation where there is clear and imminent danger of such violence or bodily 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 behavior that violates any article of this Section.

1.2.4. Unauthorized Entry and/or Presence

No student shall knowingly enter or remain on 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.

1.2.5. 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 his or her own on University property.

(d) No student, in any manner whatsoever, shall knowingly deface the inside or outside of any building of the University, nor deface any statues or similar property of the University.

1.2.6. 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.

1.2.7. Physical Abuses, Harassment, and Dangerous Activity

No student shall, on property owned or occupied by the University, or 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) 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 threatens the damage or destruction of property; or

(c) Harass, sexually or otherwise, another person or persons

1.2.8. Unauthorized or Fraudulent Use of University Resources, Equipment or Services

(a) No student shall knowingly use any University resource, equipment or service contrary to express instruction.

(b) No student shall knowingly defraud or abuse the trust of any University office, facility, or service.

1.2.9. Misuse of University Supplies or Documents

No student shall forge or, without authority, knowingly alter, use, receive, or possess University supplies or documents. University supplies and documents include, but are not limited to, equipment, keys, records, and files.

1.2.10 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, mutilate or 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

(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 integrity of the accounts of other users. A student so accused may not claim that communications made through the University computer system are confidential, so long as the communications in question were obtained only by authorized University employees acting upon reasonable grounds to protect the integrity of the system.

1.2.11. False Accusation

No student knowingly shall falsely accuse another member of the University community with an offense under this Code.

1.2.12. Relationship with Civil Law and Authority

(a) Notwithstanding Article 1.1.4 of this Code, any offense described in laws and regulations that occur in the University context and is not specifically described in another article in this Code is to be considered an offense under this Code, but only if it can reasonably be said to adversely affect the functioning of the University. Disciplinary proceedings taken against a student under this Article must specifically describe the offense with which the student is charged and the description of this offense 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 the action is taken under the Code, should such referral be considered necessary.

1.3. ACADEMIC OFFENCES

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

1.3.1. Plagiarism

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

(a) No student shall represent another person’s work, published or unpublished, as his or her own in any academic writing, such as an essay, thesis, research report, project or assignment submitted in a course or a program of study, or represent as his or her 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 his or her own. Receipt of payment or other forms of compensation for work contributed shall be cause for presumption that the student had such knowledge

1.3.2. Cheating

No student shall:

(a) In the course of an examination obtain or attempt to obtain information from another student or unauthorized source or give or attempt to give information to another student or possess, use or attempt to use any unauthorized material;

(b) Represent or attempt to represent oneself as another or have or attempt to have oneself represented by another in the taking of an examination, preparation of a paper or other similar activity;

(c) 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 substantial portion of any academic writing, essay, thesis, research report, project or assignment for which credit has previously been obtained or which has been or is being submitted to another course or program of study in the University or elsewhere;

(d) Submit in any course or program of study any academic 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 he or she knows has been fabricated.

1.3.3. Confidential Materials

It shall be an offense knowingly to procure, distribute, or receive, by any means whatsoever, any confidential academic material such as pending examinations or laboratory results from any source without prior and express consent of the instructor.

1.3.4. Misrepresentation of Facts

It shall be an offense to knowingly misrepresent material facts to another for the purpose of gaining admission to the University or obtaining academic advantage or credit.

SECTION II:

2.1. COMMITTEE ON STUDENT DISCIPLINE

2.1.1. Member of the Committee

(a) The members of the staff of the University listed below will constitute the Committee:

(i) The Deputy Vice Chancellor of Academic

(ii) The Registrar

(iii) The Dean of relevant faculty or school

(iv) head of Relevant Department

(v) Dean of Students

(vi) Representative from Student Guild

(vii) the Administrator;

(b) Any Disciplinary Officer listed above may expressly deputize one or more members of his or her staff to be the Disciplinary Officer acting on his or her behalf. Deputies shall not be appointed on a case-by-case basis. The name of the deputy shall be communicated in writing to the Registrar and such notice shall include the terms of deputation.

2.1.2. Appeal Committee

(a) The members of the Appeal Committee shall consist of:

(i) The Vice Chancellor;

(ii) Director of Quality Assurance

(iii) the Deputy Vice Chancellor for Research

(iv) one representative from the Student Guild (who did not sit on CSD)

(v) Registrar

(vi) Dean of Students

(c) 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.

2.2.4. Roles of Registrar

(a) The Registrar shall act as secretary in all proceedings and be a non-voting member of the Discipline or Appeal Committees as the case may be. The Registrar shall be represented by the Deputy Registrar in all cases in which the Registrar would be in a conflict of interest situation or is otherwise prevented from performing his or her functions. Where there is an appeal from the Disciplinary Committee decision, the Registrar shall act as secretary of the Appeal Committee. In the event that neither the Registrar nor the Deputy Registrar can serve, the Vice Chancellor or delegate shall designate a replacement.

2.2.5. Disciplinary Officers

(a) The members of the staff of the University listed below are constituted, Disciplinary Officers:

(i) The Vice Chancellor

(ii) Director of Quality Assurance

(iii) Deputy Vice Chancellor Education

(iv) The Registrar

(v) the Deans of the faculties;

(vi) the Dean of Graduate and Postdoctoral Studies;

2.3. DEFINITION AND ADMINISTRATION OF PENALTIES

2.3.1 Fines, Restitution and Security

2.3.1.1 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 in

cash, money order or by certified cheque, through the Office of Registrar within 21 days of the adjudication imposing the same and the exhaustion of all rights of appeal within the University.

2.3.1.2 Failure by the student concerned to remit payment of a fine, make restitution or post security within the period stated in Article 2.3.1.1, or without any other suitable arrangements for payment of a fine, restitution or safety deposit having been made with the Registrar, 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.

2.3.1.3. 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 Registrar for further action, which may include continuation of the deregistration or withdrawal or the imposition of additional penalties.

2.3.1.4. If security has been posted by a student who is subsequently found to have committed another offense or offenses, the party or hearing body adjudicating the case may order all or part of the security forfeited to the University in addition to any penalty imposed in respect of such other offense or offenses.

2.3.1.5. Security once posted shall remain posted until wholly forfeited, or until the fulfillment of a stipulated condition or a specified period of time, neither of which is to exceed 12 months from the time it was posted.

2.3.2. Admonishment

An admonishment is an official 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. Admonishment does not result in a disciplinary record.

2.3.3 Reprimand

A reprimand is an official 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 Registrar.

2.3.4 Conduct Probation

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

When a student on conduct probation is alleged to have committed a further offense 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 offense, the case must be referred to the CSD.

If the new alleged offense does not involve a violation of any of the same articles as the previous offense, the Disciplinary Officer may interview the student, according to the procedures in Section IV. Following the interview, the Disciplinary Officer must either:

- (i) refer the case to the CSD; or
- (ii) seek an exception allowing the Disciplinary Officer to dispose of the case, authorized by the Chair or Vice-Chair of the CSD, who will consult with the Dean of Students.

Should a full hearing of the CSD take place after the interview or the disposition by the Disciplinary Officer, the Chair or Vice-Chair who made the decision regarding the exception may not serve on the Hearing Committee.

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 his or her 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 offense is not a violation of any of the same articles as the previous offense, 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 offense occurred, the Committee shall weigh the import of any prior conduct probation in choosing the penalty or penalties.

2.3.5 Suspension

The 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, the suspension shall entail the withdrawal of all University privileges, including the right to enter and be on University property, in which case the student, during such suspension, may only come upon University property 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 Registrar for further action. However, the suspension may not be used by the Disciplinary Officer as a means to withdraw University privileges from the student. The 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 of the Registrar

2.3.6. 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 Registrar.

2.3.7. 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."

2.3.8. Remission, Mitigation, and Expunging Record

The DVCA or delegate may, when he or she considers it appropriate, remit or mitigate any penalty or condition imposed under this Code or direct the expunging of the disciplinary record of the student maintained by the Registrar.

2.3.9. 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 to the University. Except where 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

3.1. REPORTING OF OFFENCES

3.1.1 Reporting of Academic Offences

An instructor who to his or her personal knowledge or upon reliable report has reasonable grounds to believe that a student in the instructor's course, or working under his or her direction, has committed an academic offence, shall – if the instructor concludes 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 his or her own authority, impose a penalty on the student.

3.1.2. Reporting of Non-Academic Offences

The Security Office of the University shall, where feasible, investigate reports of the commission of non-academic offenses; otherwise, the complainant shall forward his or her own report directly to the Dean of Students.

3.1.2.1 Following its investigation and where a student has been identified, the Security Office shall forthwith make a written report to the Dean of Students, which report 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.

3.1.2.2. Where possible, when an individual complainant is filing a report, the above information shall also be included.

3.2. JURISDICTION

3.2.1. Accepting or Ceding Jurisdiction

3.2.1.1. Upon receipt of a report, the Disciplinary Officer shall inform the Dean of Students whether he or she wishes to assume jurisdiction in the matter.

3.2.1.2. When a student's offense 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 numbers or deal only with the students under their respective jurisdictions. Disciplinary Officers must also cede any case that involves a possible conflict of interest. The Dean of Students must be informed in writing of any decisions to cede jurisdiction.

3.2.2. Assumption of Jurisdiction by Disciplinary Officer

If the Disciplinary Officer assumes jurisdiction, he or she may either interview the student privately in order to inquire into the alleged offense or convene a summary hearing.

3.2.3. Ceding Jurisdiction to CSD

3.2.3.1. If in the opinion of the Disciplinary Officer it would be more appropriate that the case is heard by the CSD, he or she 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.

3.2.2.2. All communications between the Disciplinary Officer and the CSD shall be through the Registrar. In any written or oral communication with the Dean of Students, the Disciplinary Officer shall indicate

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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.

3.2.3. Jurisdiction of Academic Registrar: Non-Academic Offences

3.2.3.1. Upon receipt of the ceding of jurisdiction by the Disciplinary Officer to the CSD, and following any further inquiries that the Registrar deems necessary, the Registrar 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 facts and information are 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.

3.2.3.2. Whichever of these grounds is invoked, no offense will be deemed to have been committed by the student and no entry regarding the matter will appear in any dossier of the student.

3.2.3.3. Unless the Registrar chooses to dispense with a further action under Article 3.2.3.1, he or she shall refer the case for a hearing before the CSD.

3.2.3.4. The Registrar 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

4.1. Right to an Advisor

4.1.1. The student and the Disciplinary Officer are each entitled to have an advisor present at any interview, summary hearing or hearing held under the Code.

4.1.2. The student shall be so informed and given the opportunity within a reasonable time to avail himself or herself of an advisor before taking part in any interview, summary hearing or hearing held under the Code.

4.2. 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, summary hearing or hearing of the CSD.

4.3. Confidentiality

All disciplinary proceedings under the Code are confidential and must be treated as such. All participants in interviews, summary hearings, and hearings of the CSD must observe this rule.

4.4. INTERVIEWS

4.4.1. Call to Interview

4.4.1.1. Upon being apprised of the alleged commission of an offense, the Disciplinary Officer shall summon the student concerned to an interview to inquire into the alleged offense.

4.4.1.2. The interview shall take place as soon as reasonably possible after the Disciplinary Officer is apprised of the matter.

4.4.1.3. The student shall be summoned by written notice. The notice shall describe the alleged offense, 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 his or her advisor before the scheduled interview.

4.4.1.4. The notice shall make reference to the right of the student to be accompanied by an advisor as defined under the Code.

4.4.1.5. The notice shall provide the web site address where the Code of Student Conduct and Disciplinary Procedures may be found.

4.4.2. Interview

At the outset of the interview, the Disciplinary Officer shall inform the student that he or she is 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 cause the Disciplinary Officer to convene a summary hearing, or be the subject of testimony by the Disciplinary Officer at a subsequent proceeding.

4.4.3. Disposition

At the conclusion of the interview, the Disciplinary Officer may then convene a summary hearing (see Section IV-B). At the conclusion of either the interview or the summary hearing, 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.

4.4.4. Additional Penalties

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 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. The Disciplinary Officer involved shall summon the student to a resumption of the interview held under Article 4.4.2 or to a resumption of the summary hearing held under Article 4.5.1 to deal with the default, including the possibility of imposing additional penalties.

(c) *Academic Offences*: Enter a failing grade for the examination, assignment or thesis in question, or 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 poses an immediate threat to the safety of other members of the community, he or she may suspend the student for a period not exceeding 30 calendar 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 calendar days after its imposition. The suspension may be extended for an additional period of not more than 30 calendar 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.

The Disciplinary Officer may combine any of the above penalties.

4.4.5 Recording of Disposition

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

4.4.6 Notification of Disposition

4.4.6.1 The Disciplinary Officer shall as soon as possible notify the student in writing of the action taken under Articles 4.4.3. and 4.4.4 and of the student's right to a full hearing, as described in Article 4.4.6.3.

4.4.6.2. A copy of the disposition shall, within a reasonable time, be sent to the Registrar.

4.4.6.3. Upon receiving the Disciplinary Officer's notice, the student may obtain a full hearing on the charge or charges before the CSD by electing to do so in a written submission sent to the Registrar within seven days.

4.5. SUMMARY HEARINGS

4.5.1. Call to Summary Hearing

Unless a decision is taken to hold a private interview or to cede jurisdiction to the CSD, the Disciplinary Officer who has reasonable grounds to believe that a student has committed an offense shall, within 20 days, summon the student to appear at a summary hearing, in order to inquire into the alleged offense.

4.5.1. Procedures for a Summary Hearing

The procedures for a summary hearing shall be as follows:

4.5.1.1. The student shall be summoned by written notice at least five days prior to the summary hearing; such notice shall state briefly the substance of the charge. The period of time between receipt of the notice and the time of the hearing may be shortened with the consent of both the Disciplinary Officer and the student concerned.

4.5.1.2. If the student fails, without reasonable excuse, to attend the hearing, the Disciplinary Officer may proceed with the hearing in the student's absence or, at the Disciplinary Office user's discretion, postpone the start of the hearing.

4.5.1.3. The party who reported the alleged commission of an offense shall, at the outset of the hearing, and in the presence of the student, appraise the Disciplinary Officer of the facts and allegations of the case and the names of the witnesses who are to be presented to establish said facts and allegations. Nothing said by any Code of Student Conduct and Disciplinary Procedures party mentioned herein in the course of so appraising the Disciplinary Officer shall be evidence in the case. The party shall then withdraw from the proceeding unless he or she is to be a witness in the case. The student and the student's advisor may, if he or she wishes, make a summary statement in response.

4.5.1.4. All witnesses shall be heard by the Disciplinary Officer in the presence of the student. The student and the student's advisor may put questions to the witnesses and shall have access to any documents considered by the Disciplinary Officer as evidence in the case. The Disciplinary Officer may call witnesses other than those named by the student concerned.

4.5.1.6. The student shall be afforded an opportunity to speak on his or her own behalf and to present witnesses. Should the student decide to speak, he or she will be subject to ques-

tions from the Disciplinary Officer. No inference may be drawn against the student for refusing to speak on his or her own behalf, except to the extent those allegations against the student, because of this refusal, stand uncontradicted. The Disciplinary Officer shall inform the student as to the substance of this Article.

4.5.1.7. The Disciplinary Officer may consult one of the Legal Assessors sitting on the CSD for advice regarding any evidentiary or procedural issue that arises during the summary hearing.

4.5.1.8. Where the charge has been found substantiated, and prior to the decision as to the appropriate disposition, the student and the student's advisor shall be allowed to make representations in regard to the disposition of the case.

4.5.2. Summary Hearings: Disposition and Recording

For Disposition and Recording of Summary Hearings, the same Articles apply as to Disciplinary Interviews.

4.6. HEARINGS OF THE COMMITTEE ON STUDENT DISCIPLINE

4.6.1. GENERAL PROVISIONS

4.6.1.1. 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 4.4.4(e) and 4.4.4.(f), shall be suspended pending disposition by the Hearing Committee.

4.6.1.2. Chair's Prerogative

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

4.6.1.3. Private Meeting with Registrar

The Registrar shall forthwith inform the student in writing that the student is to be brought before the Hearing Committee, and shall meet personally with the student to inform him or her of the substance of the charges, and of the hearing procedures. In convening this meeting, the Registrar shall inform the student of his or her right to an advisor. At the outset of the

meeting, the Dean of Students shall inform the student of the right to request and consult evidence as per 4.6.1.7

4.6.1.4. 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.

4.6.1.5. Closed Hearings

The hearing shall be closed unless the Hearing Committee directs otherwise and the student consents.

4.6.1.7. Evidence

The student and the Disciplinary Officer shall have access upon request to any documents 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 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.

4.6.1.8. Conflicts of Interest

4.6.1.8.1. If a conflict of interest arises with respect to any member of the Hearing Committee, the member shall be required to withdraw from the proceedings.

4.6.1.8.2. 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.

4.6.1.8.3. A conflict of interest shall be deemed to exist where the member is acting in an advisory capacity for the student or the Disciplinary Officer.

4.6.1.8.4. Where a member withdraws, for whatever reasons, he or she 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.

4.6.1.9. Time Limit for Hearing

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

- (a) the meeting under Article 59 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.

4.6.1.9. Non-Appearance by Student

4.6.1.9.1. 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.

4.6.1.9.2. 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 his or her excuse for not appearing.

4.6.1.9.3. 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 the first hearing.

4.6.1.9.4. In the event that the delays incurred by these procedures make it impossible for the student to provide current information about his or her 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.

Code of Student Conduct and Disciplinary Procedures

4.6.2. HEARING RIGHTS AND PROCEEDINGS

4.6.2.1. 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 relevant practices of the Faculty, and present the names of the witnesses to be called. The student or the student's advisor may make a summary statement in response.

4.6.2.2. Questions of Procedure and Evidence

4.6.2.2.1. 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.

4.6.2.2.2. A ruling that a procedure contained in the Code has not been followed shall not result in annulment of the proceedings if in the judgment 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.

4.6.2.3. Witnesses

4.6.2.3.1. 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 is called or recalled, including a witness not named by the Disciplinary Officer.

4.6.2.3.2. The student and the student's advisor shall also be allowed to call witnesses.

4.6.2.3.3. In the case of an academic offense, the instructor in the course in which the offense 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.

4.6.2.3.4. In the case of a non-academic offense, 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.

4.6.2.4. Questioning of Witnesses

4.6.2.4.1. All witnesses shall give their entire evidence in the presence of the student, the Disciplinary Officer, and their respective advisors if any.

4.6.2.4.2. 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.

4.6.2.4.3. 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.

4.6.2.4.4. To assure an orderly hearing the Chair may establish the sequence of questioners.

4.6.2.4.5. 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.

4.6.2.5. Right to Give, or Refuse to Give, Evidence

The student shall be afforded an opportunity to give evidence on his or her own behalf. Should the student decide to give evidence, he or she 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 allegation against the student, because of his or her refusal, stands uncontradicted. The Chair shall inform the student as to the substance of this Article and the role of the Legal Assessor.

4.6.2.6. 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 Article 4.6.2.2.1.

4.6.2.7. Representations Regarding Disposition

Where the charge 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.

4.6.2.8. 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.

4.6.2.9. 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.

4.6.2.10 Additional Penalties

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 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 Managing Director of Residence Life and Customer Relations or delegate and they shall be under the direction of the Associate Director of 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 penalties.

(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 failing grade for the examination, assignment or thesis in question, or 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 he or she created or helped to create;

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 penalties.

4.6.2.11 Record on Academic Transcript

The action is taken under sub-articles (c), (d), (e) and (g) of Article 4.6.2.9 shall be appropriately annotated on the student's academic transcript (see Articles 2.3.5, 2.3.6. and 2.3.7).

4.6.2.12. Record of Disposition of the Hearing Committee of the CSD

If the student is admonished, whether or not the Committee imposes additional penalties as provided for under this Code, no disciplinary record shall be kept of the offense. If the student is reprimanded, whether or not the Committee imposes additional penalties 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.

4.6.2.13 Appeals

Appeals from the decision of the CSD Hearing Committee shall be governed by the provisions of Section IV-4.7.

4.7. Time Limit

4.7.1. The disciplinary investigation will begin at the time of not more than a month starting from the day that the administrative (head of department/dean of faculty/ the VC) becomes aware of the misconduct subject to the investigation.

4.7.2. The disciplinary process will be completed in six months.

4.7.3. In the case of not being aware of the misconduct, the time limit for initiation disciplinary procedure cannot be longer than two years.

4.7.4. The disciplinary actions outside the time limit stated above will be deemed to invalid.

4.7. APPEALS OF DECISIONS OF CSD HEARING COMMITTEE

4.7.1 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 this code. 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 a breach of natural justice has occurred; or

(c) where the Hearing Committee has misapplied any articles in Section I of this Code, or the articles described in the penalties section (Section II-C);

where the outcome of the case at the original hearing might have been substantially affected by any of the above circumstances.

4.7.2. Intention to Appeal

4.7.2.1. A party wishing to appeal must notify the Dean of Students of the intention to do so within 14 days of receiving official notice of the Hearing Committee's decision. The notice of appeal must be accompanied by a concise written statement that identifies precisely the grounds upon which the appeal is based. Neither the notice of appeal nor the accompanying statement shall contain argument.

4.7.2.2. The Dean of Students shall notify the Secretariat that a notice of appeal has been received.

4.7.2.3. 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.

4.7.2.4. 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 but shall not contain argument.

4.7.2.5. Only those portions of the record of the Hearing Committee (i.e., audio records, documents submitted, judgment) identified by the parties as relevant to the grounds of appeal shall be released by Office of Dean of Students to the Subcommittee of the Appeal Committee for the purpose of deciding whether leave to appeal should be granted.

4.7.2.6. All parties to the appeal shall have access to the audio record for the purpose of preparing their statements.

4.7.2.7. When requested to do so by the Subcommittee, the Chair of the CSD shall submit a statement to the Subcommittee clarifying any issues relevant to the grounds of appeal.

4.7.3. Hearings of Appeals

4.7.3.1. If the Subcommittee grants leave to appeal, the appeal shall be heard the Appeal Committee.

4.7.3.2. The Appeal Committee shall be convened within 40 days of the decision of the Subcommittee unless the parties agree otherwise, or in circumstances in which delay is unavoidable.

4.7.3.3. In its consideration of the appeal, the Appeal Committee shall hear oral submissions by the parties 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.

4.7.3.4. If the Appeal Committee determines that the decision of the Hearing Committee was reasonable, the original decision shall remain undisturbed.

4.7.3.5. In the event that the Subcommittee finds that substantial new evidence has been discovered or if it rules that exceptional circumstances of the case require it, the Appeal Committee shall rehear the case in its entirety and shall have all the powers of the original Hearing Committee. In such cases, the parties shall have a minimum of 14 days to prepare.

4.7.5 Status Pending Appeal Decision

4.7.5.1. No suspension, dismissal or expulsion ordered by the Hearing Committee 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.

4.7.5.2. Notwithstanding sub-article (a), in the instance where an exclusion from the campus has been ordered under 2.1.2.2, 2.1.2.3 or 4.4.4.(d), and the CSD has upheld the order after a hearing, the exclusion shall remain in effect for the duration of an appeal.

4.7.6. Decision of Appeal Committee

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

SECTION V: DISCIPLINARY RECORDS, CONFIDENTIALITY, AND REPORTING

5.1. Disciplinary Records and Confidentiality

5.1.1. The Dean of Students shall keep a file in respect of each student charged under this Code. He or she 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 penalties imposed so that the penalties may be enforced.

5.1.2. Where a student is exonerated or admonished for the commission of an offense 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).

5.1.3. Where a student is reprimanded for the commission of an offense 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.

5.1.4. 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 a 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.

5.1.5. 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.

5.2. Annual Report of the Activities of the CSD

An annual report of the activities of the CSD 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.