



BRESCIA UNIVERSITY COLLEGE CODE OF STUDENT CONDUCT

Classification: Conduct
Issued by: College Council
Approved by: Council of Trustees
Effective Date: November 30, 2010

Introduction

Brescia University College (“Brescia” or “the College”) is Canada’s women’s university. Brescia is a liberal arts institution affiliated with The University of Western Ontario. Although our roots are in the Catholic faith, we are open to - and embrace - women of all faiths. We prepare our graduates to lead with wisdom, justice, and compassion in a changing world.

I. General - Scope of the Code

1. The Brescia University College Code of Student Conduct (the “Code”) defines the standard of conduct expected of Brescia students and informs students of the offences, penalties and procedures for handling complaints, investigations, hearings, and appeals. The Code extends to include all students registered at, or resident at, Brescia while on the premises of Brescia or while attending off-campus events sponsored by Brescia, Brescia University College Students’ Council or any student group or organization recognized by Brescia University College Students’ Council and/or Brescia University College. In addition to the Code, resident students are subject to the Brescia University College Residence Agreement and the Residence Community Standards. While Brescia does not maintain disciplinary authority for student conduct occurring off-campus (excepting sponsored events as noted above), it may be necessary to endeavour to protect the campus community where there are reasonable grounds to believe that a student may pose a serious and/or substantial danger to him/herself or others. Brescia reserves the right to take immediate, necessary and appropriate action to protect the health, safety and well being of the College community.

2. Upon registration at Brescia University College, students assume responsibility for being informed of Brescia regulations, applicable University of Western Ontario regulations, and the standard of academic and non-academic conduct expected of them.

Students are responsible for ensuring that their conduct does not jeopardize the good order and proper functioning of the academic and non-academic programs and activities of Brescia, nor endanger the health, safety, rights or property of the College or its faculty members, administrative and professional officers, staff, students, or visitors.

3. Brescia University College does not stand *in loco parentis* to its students: that is, Brescia has no general responsibility for the behaviour of its students as if they were its wards. Brescia maintains the position that students have an obligation to make legal and responsible choices as, or as if they were, adults. Under some circumstances, such as when a student has not reached the legal age of majority, additional limitations on student conduct may apply and the parent(s) or guardian(s) of students under the age of majority will be contacted by Brescia as necessary.

4. Students are expected to comply with the laws of Canada and the Province of Ontario. Brescia neither substitutes for, nor interferes with, regular legal processes. An action involving a student in a legal proceeding in a civil or criminal court does not free the student of responsibility for his/her conduct in a Brescia proceeding. Brescia will proceed with its internal review in accordance with its own procedures. Nothing in this Code precludes the College from referring an individual disciplinary matter to the appropriate law enforcement agency, either before, during or after disciplinary action is taken by the College under this Code.

5. Conduct that is deemed to be a Scholastic Offence is not subject to this Code but is subject to the disciplinary procedures and sanctions for Scholastic Offences as approved by the Senate of The University of Western Ontario and published in the Academic Calendar. Scholastic Offences are the responsibility of the Academic Dean.

6. Conduct prohibited under the Ontario Human Rights Code is subject to disciplinary procedures and sanctions according to applicable Brescia policy on harassment and discrimination.

7. The Council of Trustees of Brescia University College (the “Council”) is charged with final administrative authority over the property, organization and conduct of the College. Rule making and judiciary bodies derive their authority from the Council, which ordinarily delegates its authority to College Council and administrative Departments of Brescia. Rules, regulations and policies, including this Code, may be amended during the course of any year. Amendments and additions will be in full force and effect following the approval of the Council of Trustees and notification of the student body. Amendments and additions will be posted indicating the date on which they will be in effect.

8. Codes of Conduct and Reporting at Brescia University College, The University of Western Ontario and other Affiliated University Colleges of The University of Western Ontario:

a. Brescia University College Students on the Premises of UWO:

The University of Western Ontario Code of Student Conduct, Section III, states that “Subject to the provisions of the Affiliation Agreement between the University and its affiliated colleges, students registered in the affiliate colleges are expected to conform to the standards of this [UWO] Code while on University property. Only the Principal of the affiliated college may impose discipline for conduct by such a student which would constitute a violation of this Code; however where extraordinary circumstances warrant, the University may also take measures to restrict such a student’s entry onto University property or use of University facilities.”

Brescia University College students may expect that alleged offences, as defined by the UWO Code of Conduct, occurring on the premises of UWO will be reported to the Principal of Brescia University College and in extraordinary circumstances, UWO may also take measures to restrict entry onto University property or use of University facilities.

b. Brescia University College Students on the Premises of Other Affiliated University Colleges:

While there is no document that specifies the management of student disciplinary matters among the affiliated university colleges, Brescia students may expect that alleged misconduct on the premises of another affiliated university college will be reported to the Principal of Brescia University College.

c. UWO Students on the Premises of Brescia University College:

Students registered at The University of Western Ontario are subject to the UWO Code of Student Conduct while on the premises of any affiliated university college (UWO Code, I.6.). Violations of standards of the UWO Code will be reported to the Dean of the Home Faculty or to the Vice-Provost of UWO. Where extraordinary circumstances warrant, Brescia University College may also take measures to restrict such a student’s entry onto Brescia property or use of Brescia facilities.

d. Other Affiliated University College Students on the Premises of Brescia University College:

Alleged misconduct while on the premises of Brescia University College by a student registered at another affiliated university college will be reported to the Principal of the affiliated university college where the student is registered by the Principal of Brescia University College (or designate). Where extraordinary circumstances warrant, Brescia may also take measures to restrict such a student’s entry onto Brescia property or the use of Brescia facilities.

II. Student Conduct – Rules

Acceptance of an Offer of Admission to Brescia University College implies acceptance by every student of the principle of mutual respect for the rights, responsibilities, dignity and well-being of others and a willingness to support an environment conducive to the intellectual and personal growth of all who study, work and live within it. Any conduct on the part of a student that has, or might reasonably be seen to have, an adverse effect on the regular functioning of Brescia, or the health, safety, rights or property of the College, its community members or visitors, is contrary to the College's philosophy or community standards is subject to discipline under this Code.

Without limiting the generality of the preceding statement, the following list provides specific examples of prohibited conduct. This list is descriptive and does not define offences in comprehensive or limited terms.

1. Disruption:

Any action that disrupts or obstructs or attempts to disrupt or obstruct the official functions of the College is prohibited. Such functions include, but are not limited to, teaching, research, administration or any other activity or proceeding on campus that is generally accepted as a legitimate College function. Functions of the College also include granting the opportunity of another person to carry on legitimate activities, or to speak to or associate with others.

2. Offences Against Persons and Dangerous Activity:

- a) Any assault, harassment¹, intimidation, threats or coercion, and/or any other conduct that threatens or endangers the health or safety of any person is prohibited.
- b) Knowingly (which includes when one should reasonably have known) creating a condition that endangers the health, safety, or well-being of any person is also prohibited;

3. Offences Involving Property:

- a) Entry into and/or presence on any Brescia premises contrary to Brescia regulations, or without expressed or implied authority, or contrary to an expressed instruction or direction from an authorized Brescia official is prohibited.
- b) Misappropriation, damage, unauthorized possession, defacement and/or destruction of premises or Brescia property or the property of others is also prohibited.

¹ Complaints of harassment or discrimination on the prohibited grounds specified by the *Ontario Human Rights Code* (race, ancestry, place of origin, colour, ethnic origin [including language, dialect or accent], citizenship, creed, sex, sexual orientation, age, marital status, same-sex partnership status, family status, disability, the receipt of public assistance, record of provincial offences or pardoned federal offences) will be dealt with according to applicable Brescia University College policy on Harassment and Discrimination.

c) Use of Brescia facilities, equipment or services contrary to expressed instruction or without proper authority is also prohibited.

d) Tampering with fire protection equipment or emergency facilities (e.g., fire bells, fire extinguishers, fire hoses, exit signs, posted safety or emergency exit procedures); disconnecting or blocking fire alarms; setting unauthorized fires, or raising a false fire alarm; blocking or wedging open fire and smoke doors on corridors or stairways is prohibited.

4. False Information, I.D. Cards, Meal Cards, Identification:

a) Providing false information or failure to provide identification to any person or office acting on behalf of Brescia is a violation of this Code.

b) Forging, altering or misusing any document, record, card or instrument of identification is prohibited.

5. Alcohol and Drug Use:

a) Illegal use, possession or distribution of a controlled or restricted substance is prohibited.

b) Contravention of provincial liquor laws or Brescia policies governing the possession, distribution and/or consumption of alcoholic beverages on Brescia premises is also prohibited.

6. Improper Use of Dangerous Objects and Substances:

Possession, storage or use of firearms, explosives (including fireworks), or other weapons, flammable solvents, volatile or poisonous materials or any other offensive, hazardous, or illegal substances is prohibited by this Code.

7. Contravention of Brescia Regulations:

Contravention of published College policies, rules and regulations is also a contravention of this Code.

8. Contravention of Other Laws:

Contravention of any provision of the Criminal Code or any other federal or provincial statute or municipal by-law is also a contravention of this Code.

9. Other:

a) Aiding or assisting others in the commission of an act prohibited under this Code or attempting to commit an act prohibited by this Code is prohibited.

b) Failure to comply with any sanction imposed by the College for offences under this Code becomes a further contravention of this Code.

c) Any other conduct that has, or might reasonably be seen to have, an adverse effect on the proper functioning of Brescia, or the health, safety, rights or property of the College, its members or visitors violates this Code.

III. Penalties

Depending on the severity of the contravention of the Code and other surrounding details (ie. whether it is a repeat violation, etc.), Brescia may impose one or more of a number of sanctions for violations of this Code. The implementation of any sanction does not entitle a student to a return of fees. These sanctions include, but are not limited to:

1. Documented verbal warning from the instructor or another person in authority;

2. Exclusion or removal from a class, examination room, or other area and no return of fees. (Note: in this context “class” refers to a period of instruction such as a lecture, seminar, tutorial, off-site or laboratory session);

3. Formal Reprimand. A letter of reprimand may be sent to the student by registered mail or by personal delivery at a meeting with the instructor or person in authority. Letters of reprimand are copied to the Director of Student Services and/or the Academic Dean, as appropriate;

4. Behaviour Bond. A specific sum of money held in the student discipline account for a specified period of time may be required. A bond is forfeited if (1) the student under bond commits any other infraction during the period of time specified by the bond, or (2) the bond is not paid by the assigned date; otherwise the money is returned at the end of the specified time period. Bonds may range from a minimum of \$50 to a maximum of \$300 and may be in effect for a period up to the end of the academic year;

5. Fine. A specific sum of money may be levied against the student as a penalty. Fines may range from a minimum of \$50 to a maximum of \$300. Bonds and fines must be paid according to the deadline indicated in the written notification of disciplinary action (normally 10 business days). Fines or forfeited bonds outstanding will be treated as overdue accounts and will be processed through the Business Office for action.

Brescia University College reserves the right to seal a student’s academic record in instances of non-payment of prescribed fees or fines and /or bills. This will not only prevent further registration, but also the disclosure of any information pertaining to academic records, such as transcripts of marks and grade reports. An additional fee of \$40 is assessed when an academic record is sealed.

The proceeds from all fines and forfeited bonds will be used for the purpose of improving student facilities at the College, as student emergency funds, or as a donation to the Brescia University College Bursary Fund;

6. Community Service (to a maximum of 30 hours) may be assigned in circumstances as deemed appropriate. A deadline for completion of community service will accompany assignment of community service;

7. Removal, either temporarily or permanently, from a course in which the student is registered may be imposed and no return of fees;

8. Prohibition or limitation

- a) of access to any academic facility,
- b) of employment at Brescia, and/or,
- c) on entering Brescia premises or specific parts thereof and/or restriction on contact with specified person(s) may be imposed.

9. Replacement of lost or damaged property, or payment of an amount equal to monetary value of lost or damaged property may be assessed;

10. Disciplinary Probation. A designated period of time during which the student is not in good standing with Brescia may be assessed. The terms of probation may involve restrictions of student privileges and/or set behavioural expectations, violation of which will result in the imposition of further restriction or penalty;

11. Deregistration. Removal from some or all courses for one or two terms may be imposed and no return of fees;

12. Suspension from the College for a specified period of time may be imposed and no return of fees; and/or,

13. Expulsion from the College may be imposed and no return of fees.

Penalties imposed should be proportional to the seriousness of the offence. The most serious offences will merit the most serious penalties: deregistration, suspension and expulsion.

IV. Interim Prohibition

The Principal, or other officials as he/she may designate, may impose an interim prohibition pending an investigation and adjudication of a complaint of an offence under the Code. Interim prohibition may be imposed only:

- (a) if needed to ensure the safety and well-being of members of the Brescia community or preservation of Brescia property;
- (b) if needed to ensure the student's own physical or emotional safety and well-being; or,

(c) if there is reasonable apprehension that the student poses a threat of disruption or interference with the normal operations of Brescia.

During a period of interim prohibition, a student may be denied access to specified campus facilities (including classes) and/or any other Brescia activities or privileges for which the student might otherwise be eligible, as the Principal (or designate) may determine to be appropriate. The student will be informed of the reasons for the interim prohibition at the time it is imposed, if possible.

Within three working days following imposition of interim prohibition, the student will be informed in writing of the reasons for the interim prohibition. The student will be afforded the opportunity to respond to the allegations being made against him or her. If the student responds, the Principal (or designate) will reassess the prohibition and either revoke or continue it pending the formal consideration of the alleged offence(s).

V. Procedures

1. Whenever possible and appropriate, disciplinary matters under this Code will be dealt with informally before resort is made to the more formal disciplinary procedures set out in this document. Minor offences will normally be dealt with informally within the area or department where the offence has occurred.

In the case of an offence that has arisen in a classroom or related setting, this may be achieved through discussion with the Instructor and/or Chair of the Division offering the class. In the case of an offence that has arisen elsewhere, the matter may be dealt with through discussions with the director or supervisor of a unit, or his/her designate.

2. (a) Disruption of Instructional Activities:

Disruption of instructional activities, including examinations, may be dealt with by the appropriate instructor or proctor, as a matter of classroom discipline, and may include the exclusion of a student for the remainder of the particular class or examination. Any disruption that results in the removal of a student must be reported to the Chair of the Division and to the Academic Dean.

If the disruption persists and/or if it is deemed to be serious in nature, the incident will ordinarily be reported immediately to Brescia University College Security (Director of Physical Plant) and to the Divisional Chair, Academic Dean, and the Director of Student Services. The Principal (or designate) may impose an interim prohibition on the student pending a full review of the matter (see “Interim Prohibition” above).

(b) Temporary Exclusions from Other Areas:

Divisional Chairs or administrative Directors may ban a student from their area of jurisdiction if the Chair or Director (or designate) believes on reasonable grounds that the student's continued presence in that area will be detrimental to good order or will constitute a threat to the safety of others. Such initial exclusion will be for up to 48 hours and will be reported immediately to the Director of Student Services. The Principal (or designate) may impose an interim prohibition on the student pending a full review of the matter (see "Interim Prohibition" above).

3. Any member of the Brescia community (faculty, staff, and students) may submit a written report outlining an occurrence of an alleged offence that warrants a review and possibly disciplinary action under the Code. This report is submitted to the Director of Student Services. In situations where the jurisdiction of an alleged offence is unclear, the Director of Student Services and the Academic Dean together will determine whether the matter should be handled by the Director of Student Services, the Academic Dean, or by the Director of Student Services and the Academic Dean in a joint action.

In situations where there is the potential that a penalty may impact the academic access of a student, the Academic Dean will act jointly with the Director of Student Services regardless of the jurisdiction of occurrence of the alleged offence. Reports of alleged offences should be filed within 72 hours of an occurrence. A late report may be received where circumstances warrant it, but in no case will a report be dealt with where it has not been received within 30 days after the date that an alleged offence has occurred.

The Brescia University College Students' Council Vice President-Events is responsible for reporting alleged offences of the Code that occur at student events. This report must be submitted to the Director of Student Services within 72 hours from the time of an alleged offence. The Director of Student Services may accept a late report where circumstances warrant but in no case will such a report be dealt with where it has not been received within three (3) business days after the date that an alleged offence has occurred. It should be noted that "business days" do not include regular working days where Brescia's operations have been closed such as during the Christmas break. Additionally, any member of the Brescia University College community in attendance at the event may report an alleged offence occurring at a Brescia University College Students' Council sponsored event to the Director of Student Services.

4. When a report that an alleged offence has been received by the Director of Student Services and/or the Academic Dean, the student allegedly responsible for the offence will be notified in writing, normally within five (5) business days of the report being received. This letter will include the nature of the reported offence and the facts alleged against the student.

5. Written notification will be sent by registered mail or by personal delivery, where appropriate. Upon delivery, notice will be considered complete whether or not the notice letter is read or acknowledged by the student. Delivery will be deemed effective on the fifth (5th) business day following the posting of the letter of notification.

6. Upon notification that an alleged offence has been reported, a student is required to meet with the Director of Student Services and/or Academic Dean, as designated in the letter, and the person(s) reporting the alleged offence of the Code to discuss the occurrence, the written report of the alleged offence, and to present his/her account of the occurrence. The Director of Student Services and/or Academic Dean may request and/or allow other persons to attend this meeting at his/her (their) discretion. This meeting will be held as soon as possible (normally within ten [10] business days), following notification of the student that a report of an alleged offence under this Code is pending. During holiday and examination periods, special arrangements and/or extensions may be required.

7. The responding student will be provided reasonable opportunity to respond to the report, to meet with the Director of Student Services and/or the Academic Dean, and to present evidence. It is the responsibility of the student to provide all materials that will support his/her position and to produce his/her own witnesses.

In situations where the Director of Student Services and/or the Academic Dean determine that further investigation is necessary, an Investigating Officer(s) will be appointed from the membership of College Council to undertake the investigation and report. The Registrar or his/her designate is responsible for appointing the Investigating Officer(s).

8. At all meetings with the Director of Student Services and/ the Academic Dean, the student may be accompanied by a colleague of his or her choosing. A student accompanied by legal counsel must inform the Director of Student Services and/ the Academic Dean, at least two (2) business days in advance of the scheduled meeting of the student's intention to include legal counsel in the meeting.

9. Following such meeting, the Director of Student Services and/or the Academic Dean will make a decision regarding the alleged offence and assign a penalty, if appropriate. In determining an appropriate penalty, the Director of Student Services and/or Academic Dean may take into account any previous offences. The Director of Student Services and/or Academic Dean may direct that a penalty be held in abeyance if a student's registration at the College is interrupted for any reason.

10. The decision of Director of Student Services and/or the Academic Dean, with reasons, will be communicated in writing to the student, normally within five (5) business days. During holiday and examination periods, special arrangements and/or extensions may be required.

11. If the student does not respond to the allegation or does not meet with the Director of Student Services and/or the Academic Dean after having been given reasonable opportunity to do so, the Director of Student Services and/or Academic Dean may proceed without a response or a meeting. The student will be notified, in writing, of the decision and any penalty imposed.

12. If there is a finding that the student is responsible for an offence under the Code, a copy of the decision will be retained in the Office of the Academic Dean and in the Office of the Director of Student Services (and in the Faculty of Graduate Studies in the case of graduate students). A copy of the decision will be provided on a need-to-know basis to administrative units (i.e., Office of the Registrar, Security, University Community Police Department). The Director of Student Services and/or the Academic Dean are responsible for the implementation of any decision made under the Code.

13. In the case of serious behavioural and/or disciplinary matters for students under the age of majority, Brescia will contact the parent(s) or guardian(s) of the student.

14. All notices and other communications from the Director of Student Services, the Academic Dean, or the Brescia University College Discipline Appeals Committee (see below) to the student or any other member of the College community, will be by personal delivery, regular mail, campus mail, priority post, courier, or registered mail. If sent by registered mail, delivery will be deemed effective on the fifth (5th) day after the documents were mailed. In the case of students, all documents will be sent to the primary address recorded in the student's electronic record at the College, unless the student requests in writing that they be sent to another address.

15. The Director of Student Services will compile a report of all findings of offences under the Code of Conduct. This report will include the nature of the offences and the penalty assigned, if any, with students' names removed. This report will be included in the Annual Report of the Director of Student Services.

VI. Transcripts and Registration

1. Permanent notations on the official transcript are recorded for suspension or expulsion.

2. While under investigation for serious offences that may result in suspension or expulsion, the student will not be issued transcripts directly, but, at the student's request, transcripts will be sent to institutions or potential employers. If the student is subsequently suspended or expelled, the recipients of the transcript will be issued a revised transcript.

VII. Appeals

1. A student may appeal the decision of the Director of Student Services and/or the Academic Dean and/or the penalty(ies) imposed by the Director of Student Services and/or the Academic Dean. An appeal may be made to the Brescia University College Discipline Appeal Committee on the ground that the decision and/or the penalty(ies) was/were unreasonable or unsupportable on the evidence before the Director of Student Services and/or the Academic Dean.

2. A student may appeal the decision of the Director of Student Services and/or the Academic Dean to the Brescia University College Discipline Appeal Committee on one or more of the following grounds:
 - a) that there was a serious procedural error(s) in the hearing of the complaint by the Director of Student Services and/or the Academic Dean which was prejudicial to the appellant;
 - b) that new evidence, not available at the time of the earlier decision, has been discovered, which casts doubt on the correctness of the decision; or,
 - c) that the Director of Student Services and/or the Academic Dean did not have the authority under this Code to reach the decision or impose the penalty that he/she (they) did.
3. Filing an Appeal Application will not stay the implementation of any penalty(ies) imposed except where the Chair of the Brescia University College Discipline Appeal Committee otherwise orders upon application of the appellant.
4. The Discipline Appeal Committee may:
 - a) Deny the appeal;
 - b) In the case of an appeal under section 1 or 2 (a) or (b), grant the appeal and quash or vary the original decision, or grant the appeal and vary the penalty; or,
 - c) In the case of an appeal under section 2(c), grant the appeal and quash the original decision.
5. The right to be represented by counsel will be accorded to the principal parties to the appeal. The Discipline Appeal Committee also reserves the right to retain counsel.
6. The parties must bear all their own legal expenses, if any. The Discipline Appeal Committee will not order the College to pay all or part of an appellant's costs nor will it order the appellant to pay all or part of the College's costs.

Composition of the Discipline Appeal Committee

7. The Chair of the Discipline Appeal Committee must be a faculty member elected by College Council in accordance the Practices of College Council.

When an Appeal Application is completed, see Procedures (below), the Chair of the Discipline Appeal Committee will select from the membership of College Council: two (2) faculty members, and two (2) students to serve on the Discipline Appeal Committee. The Chair of the Discipline Appeal Committee will ensure that members selected will not be in a conflict of interest in relation to the appellant. Faculty members selected should not be from the same academic department.

Three members (including at least one student and at least one faculty member) will constitute a quorum for any meetings of the Discipline Appeal Committee. In instances where the Chair is unable to act or declares a conflict of interest, the Executive Committee of College Council will appoint an Acting Chair of the Discipline Appeal Committee.

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

Procedures

8. An Appeal Application must be filed with the Registrar or his/her designate within two weeks after a decision has been issued by the Director of Student Services and/or the Academic Dean. The Application must contain a copy of the decision, the grounds for the appeal, the outcome sought, a full statement supporting the grounds for the appeal, the name of legal counsel or agent, if any, and any relevant 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.

9. An Appeal Application will not be accepted by the Registrar or his/her designate if incomplete or not filed within the time period specified in section 8 above. Exceptions to the time limit for filing an appeal are at the discretion of the Chair of the Brescia University College Discipline Appeal Committee upon written application of the student. Appeal Application forms are available from the Registrar or his/her designate.

10. Parties to the appeal are the student against whom the decision has been made (Appellant) and the Director of Student Services and/or the Academic Dean (Respondent).

11. The Registrar or his/her designate will provide the Respondent with a copy of the Appeal Application and attachments. The respondent will file a concise written reply to the Appeal Application with the Registrar or his/her designate within ten days of receiving the documents. A copy of the reply will be provided to the Appellant.

12. Upon receipt of an Appeal Application, The Registrar or his/her designate will notify the Chair of the Brescia University College Discipline Appeal Committee, who will constitute and convene a Discipline Appeal Committee as described in 7 (above).

13. Subject to the requirements set out herein, the Discipline Appeal Committee will determine its own procedures and practices in any appeal and make such rules and orders as it deems necessary and proper to ensure a fair and expeditious proceeding. It is bound by neither strict legal procedures nor strict rules of evidence. The Discipline Appeal Committee shall proceed fairly in its disposition of the appeal, ensuring that both parties are aware of the evidence to be considered, are given copies of all documents considered

by the Discipline Appeal Committee, and are given an opportunity to be heard during the process.

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

15. The Discipline Appeal Committee may, in its discretion, hold an oral hearing or make its decision solely on the basis of written submissions; provided that it will hold an oral hearing if a party satisfies it that there is a good reason for doing so.

16. Discipline Appeal Committee meetings and hearings are held in camera (i.e. are not open to other members of the Brescia community or the public).

17. While an attempt will be made to schedule an oral hearing at a time convenient to the Discipline Appeal Committee and the parties, a request by a party for a lengthy delay in the scheduling of the hearing, or a postponement of a scheduled hearing, will be granted by the Chair only in exceptional circumstances. Oral hearings will ordinarily be held within six weeks of filing of the Appeal Application. In the case of an oral hearing, if the Registrar or his/her designate is unable to contact the Appellant within a reasonable amount of time to schedule a hearing, the Appellant will be notified by the Appeal Application of the deadline by which he/she must contact the Registrar or his/her designate to arrange a hearing. If the Appellant has not contacted the Registrar or his/her designate by the specified deadline, the appeal will be deemed to be abandoned and may not be resubmitted.

18. Each party to an oral hearing will be sent a Notice of Hearing setting out the time, place and purpose of the hearing. If a party does not attend, the Discipline Appeal Committee may proceed in the party's absence.

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

20. The Chair of the Discipline Appeal Committee may waive any time limits specified herein or any procedures adopted in a given proceeding.

21. The Registrar or his/her designate, shall provide administrative support to the Discipline Appeal Committee.

22. The decision, with reasons, will be filed with the Registrar or his/her designate. Copies will be sent to all parties to the proceedings as well as to others with a legitimate need to know (e.g., Office of the Registrar, Security, University Police Department). If the appeal is denied or if a penalty is varied, a copy of the decision will be retained in the Office of the Academic Dean (and in the Graduate Program Office, in the case of a graduate student) if appropriate, and in the Office of the Director of Student Services.

23. The Registrar or his/her designate will compile a report annually of the number of appeals, the nature of the appeals and the disposition, with students' names removed. This report will be forwarded to the Director of Student Services and appended to the report on offences under the Code of Conduct in the Annual Report of the Director of Student Services (see V. 15. above).

Further Appeal

24. Within two weeks of the decision of the Brescia University College Discipline Appeal Committee, either party may appeal to the Principal (or the Principal's designate) on the grounds that the Brescia University College Discipline Appeal Committee had no power to reach the decision that it did, or that there was a serious procedural error by the Brescia University College Discipline Appeal Committee that was prejudicial to either party.

25. The appeal must state the full grounds upon which the party relies and all arguments in support thereof. After inviting written submissions from the parties, the Principal (or designate) may dismiss the appeal, grant the appeal or make such other disposition of the matter as he/she deems appropriate. The Principal's (or designate's) decision is final.

26. Decisions against a student, including appeal decisions, under the Code of Student Conduct are part of the Official Student Record. Official Student Records, in electronic or paper form, contain information pertaining to a student's application, admission and performance at Brescia University College. These records are maintained by the Office of the Registrar.