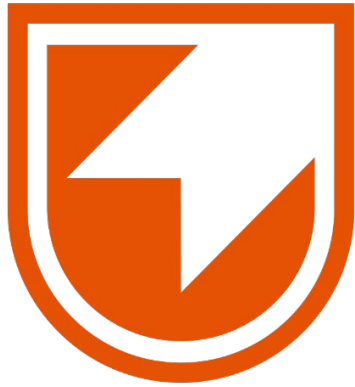




**Cape
Breton
University**

CODE OF STUDENT CONDUCT FOR NON-ACADEMIC INFRACTIONS

UPDATED AS OF SEPTEMBER 1, 2025

CODE OF STUDENT CONDUCT for Non-Academic Infractions

1. Definitions

In this document, unless otherwise specified:

- 1.1** "Appeals Committee" means the Student Non-Academic Conduct Appeals Committee.
- 1.2** "CBMC Student" means a Dalhousie University Student enrolled in the Dalhousie University undergraduate medical education program at the Cape Breton Medical Campus (CBMC).
- 1.3** "Complainant" means the person who submits a complaint or report alleging a breach of non-academic conduct pursuant to this Code.
- 1.4** "Director" means the Director of Student Affairs. There may be a designate from Student Affairs in place of the Director if required.
- 1.5** "Member of the University community" denotes any Student, faculty member, volunteer, administrator or other employee of the University, or any organization or group of persons constituted under the auspices of the University for any academic or non-academic purpose.
- 1.6** "Respondent" is a Student alleged to have been engaged in a breach of non-academic conduct pursuant to this Code.
- 1.7** "Student" denotes a person registered for academic study at Cape Breton University at the time of the alleged misconduct. "Student" also includes a person who has been accepted to the University and not yet registered, a person who is presently suspended or on academic leave and who is not presently registered in classes, or someone who is between academic semesters, and generally includes a person who the University expects to return to study to complete a program.
- 1.8** "Student" includes a CBMC Student, unless otherwise noted and always subject to the limitations of application of this Policy to CBMC Students.
- 1.9** "University" means Cape Breton University.
- 1.10** "Working day" means a day other than a statutory holiday, Saturday or Sunday. Working days in the context of this document exclude official University examination periods.

2. Context and Purpose

- 2.1** The purpose of the Code of Student Conduct for Non-Academic Infractions (the "Code") is to define Students' basic non-academic responsibilities as members of the Cape Breton University (the "University") community, to define inappropriate Student conduct, and to provide procedures and sanctions to be invoked and applied if Students engage in such unacceptable behaviour.

3. Scope

- 3.1** This Code applies to the non-academic conduct of Students:

- while on University premises, including in University residence;
- when they are acting as representatives of the University both on and off-campus;
- when the behaviour occurs off-campus but has an impact on the campus community (which may include online environments); and

- when University Student groups attend events held off the University's premises.

3.2 This Code applies to the non-academic conduct of CBMC Students on the University campus. It does not apply to the conduct of CBMC Students off-campus, unless the conduct also has an impact on the University campus community (which may include online environments).

3.3 Any proposed action under this Code that may have an impact on a Student's Dalhousie University academic record, standing or ability to participate in the CBMC MD Program must be approved by Dalhousie prior to its implementation.

4. Statement of Policy Principles

4.1 Cape Breton University (the University) is a distinct community of Students, staff and faculty committed to creating a scholarly community characterized by honesty, civility, diversity, free inquiry, and freedom from harassment and discrimination. This community promotes and strongly endeavours to create an atmosphere which fosters mutual respect, and ensures individual safety for all.

4.2 The University recognizes the fundamental role of safety and civility in a post-secondary learning environment. The University has a responsibility to maintain a safe and civil environment conducive to working and learning that is free from disruptive, dangerous, or threatening conduct or the misuse, abuse, or unauthorized use of the University's or its community members' property or resources. The University recognizes that its employees are entitled to a harassment-free workplace, and the University will investigate complaints and incidents of harassment by Students toward University employees.

4.3 Students have a responsibility to meet the high standards of conduct set out in this Code and must not commit breaches of the University's standards for non-academic conduct. Each Student is responsible for their conduct which affects the University community.

4.4 Students are free, and encouraged, think critically and independently, and engage in discussion and debate through free expression and exploration of a wide range of ideas, which may involve challenges to the beliefs and values of others. However, these challenges must not be personal attacks or involve the misuse, abuse or unauthorized use of the University's and its community members' property and resources and must not violate the standard of conduct required from Students by the University in this Code. Students must have the ability to value diverse perspectives while being able to advocate for one's own position.

4.5 Students are expected to be individually responsible for their actions whether acting alone or in a group. The University's position is that Students have an obligation to conduct themselves in a responsible manner. The University undertakes or assumes no responsibility for the social or moral behaviour of its Students. The University expects Students to conduct themselves in a manner that allows all members of the University community the opportunity to experience the peaceful and safe enjoyment of campus programs and activities.

4.6 The University has the right to evaluate, investigate and adjudicate allegations of breaches of the Code and to impose interim and final sanctions that reflect the nature and severity of any breaches of standards for non-academic conduct and the University's obligation to provide a reasonably safe campus environment for employees, Students and visitors.

4.7 The University also has a responsibility to ensure that allegations of breaches are handled according to the principles of procedural fairness. Students who are subject to an allegation of a breach of non-academic conduct have the right to have such allegations handled according to the principles of procedural fairness.

4.8 Restorative practices and other alternative resolution options will be available, where appropriate.

- 4.9** The standard of proof when determining whether a breach of the Code has occurred is the balance of probabilities. A balance of probabilities means that an act is more likely than not to have occurred.

Duty to Report Breaches of Non-Academic Conduct

- 4.10** All members of the University community have an obligation to report potential incidents of breaches of non-academic conduct in a timely fashion to Security Services, or their direct supervisor or manager.

Relation of this Policy to other University Policies

- 4.11** This policy deals exclusively with non-academic conduct of Students and allegations of breaches of non-academic conduct. If an incident reported as an allegation of a conduct violation involves more than one policy, the Director, Student Affairs, or designate will determine the appropriate policy(-ies) and procedure(s) to be applied in consultation with the parties involved and this decision will be final.

- 4.12** Notwithstanding the above, complaints that fall within the scope of the University's Sexual Violence Prevention and Response Policy will be addressed under that policy.

Collateral Proceedings

- 4.13** Students charged with criminal offences arising at the University, or at University-related events, may also be subject to proceedings through the Code.
- 4.14** Nothing in this Code prevents an individual from seeking police intervention or engaging in other external complaint processes.

5. OFFENCES

It is a breach of this Code to engage in, attempt to engage in, or assist others to engage or attempt to engage in, conduct that breaches the standard of conduct required from Students by the University, generally as set out in the Code, and including but not limited to:

5.1 Offences Against Persons

- 5.1.1** No Student shall assault another person sexually, or threaten any other person with sexual assault, or commit an act of sexual harassment toward another person. [Sexual violence complaints are addressed under the Sexual Violence Prevention and Response Policy. Refer to [Cape Breton University Sexual Violence Prevention & Response Policy](#) for reporting options.]
- 5.1.2** No Student shall otherwise assault another person, threaten any other person with bodily harm, or cause any other person to fear bodily harm.
- 5.1.3** No Student shall create a condition that unnecessarily endangers the health or safety of other persons.
- 5.1.4** No Student shall threaten any other person with damage to such person's property, or cause any other person to fear damage to her or his property.
- 5.1.5** No Student shall engage in a course of vexatious conduct, harassment or discrimination that is directed at one or more specific persons and that is based on a characteristic referred to in clauses 5(1)(h) to (v) of the Human Rights Act (Nova Scotia), as amended from time to time (age, race, color, religion, creed, sexual orientation, physical disability, mental disability, a misplaced fear of contracting an illness or disease, ethnic or national or aboriginal origin, family status, marital status, source of income, political belief or affiliation or activity of that person or of those with whom they associate with).

This includes harassment of University employees, or “workplace harassment,” which means a single significant occurrence or a course of repeated occurrences of objectionable or unwelcome conduct, comment or action in the workplace, including bullying, that, whether intended or not, degrades, intimidates or threatens, and includes all of the following, but does not include any action taken by an employer or supervisor relating to the management and direction of an employee or the workplace:

- (i) workplace harassment or bullying that is based on any personal characteristic, including, but not limited to a characteristic referred to in clauses 5(1)(h) to (v) of the Human Rights Act (Nova Scotia),
- (ii) inappropriate sexual conduct, including, but not limited to, sexual solicitation or advances, sexually suggestive remarks or gestures, circulating or sharing inappropriate images or unwanted physical contact (which will be addressed under the University’s Sexual Violence Prevention and Response Policy).

5.1.6 No Student shall engage in inappropriate gestures, acts, statements or actions through any form of electronic communication (which includes but is not limited to emails, texts, internet blogs or posts, and all forms of digital and social media) which is objectively offensive and disrupts or interferes with the rights of any member of the university community or the university itself.

5.1.7 No Student shall engage in acts or any activity that humiliates, degrades, abuses, endangers, or subordinates that Student, regardless of his or her apparent willingness to engage in the activity in order to gain status in a group.

5.1.8 No Student shall engage in unwelcome or persistent conduct that the Student knows, or ought to reasonably know, would cause another person to feel demeaned, intimidated or harassed. Examples of such conduct include, but are not limited to:

5.1.8.1 Following another person, or anyone known to that person;

5.1.8.2 Unwanted communication with another person or anyone known to that person;

5.1.8.3 Watching the residence or place of work of another person or anyone known to that person;

5.1.8.4 Threatening another person or any member of the family, friends or colleagues of the other person;

5.1.8.5 Coercing, enticing or inciting a person to commit an act that is humiliating or demeaning to that other person or to others;

5.1.9 No Student shall engage in disruptive or harassing behaviour in a University space, such as but not limited to, faculty offices, classrooms, libraries, labs or common areas.

5.1.10 No Student shall record, distribute, publish or communicate any images (pictures and/or video), audio or written materials without receiving prior appropriate rights or permission from the affected parties before doing so.

5.1.11 No Student shall participate in unfounded complaints under this Code with false, frivolous or vexatious intent.

5.1.12 No Student shall participate in retaliation against any participant in a process under this Code.

5.2 Disruption

5.2.1 No Student shall, by action, threat or otherwise, disrupt, obstruct or adversely affect any activity organized by Cape Breton University or by any of its faculties, schools or departments,

or the right of other persons to carry on their legitimate activities, to speak or to associate with others.

5.3 Offences Involving Property

- 5.3.1** No Student shall take without authorization, misuse, destroy, deface or damage the property of Cape Breton University, or property that is not her or his own, or information or intellectual property belonging to Cape Breton University or any of its members.
- 5.3.2** No Student shall remove the property from its permanent location in Cape Breton University, without authorization.
- 5.3.3** No Student shall create a condition that unnecessarily endangers or threatens destruction of the property of Cape Breton University or any of its members.

5.4 Unauthorized Use of University Facilities, Equipment or Services

- 5.4.1** No Student shall use any facility, equipment or service of the University, or enter or remain on any premises, to which he or she does not have legitimate access, or contrary to the expressed instruction of authorized persons.
- 5.4.2** No Student shall use any University computing equipment, facility, network or system for any disruptive or unauthorized purpose, or in a manner that violates any law, Cape Breton University regulation, policy and procedure, or in any way that is incompatible with the principles in the Acceptable Use Agreement. Examples of inappropriate use of computer equipment, facilities, networks and systems include, but are not limited to:
 - 5.4.2.1** Copying, removing or distributing software and/or data without authorization;
 - 5.4.2.2** Using another person's account, or misrepresenting themselves as another user;
 - 5.4.2.3** Disclosing confidential passwords, access codes, etc., assigned to themselves or others;
 - 5.4.2.4** Interfering with the work of others using computing equipment, facilities, networks, systems or accounts;
 - 5.4.2.5** Displaying, transmitting, distributing or making available information that is discriminatory, obscene, abusive, derogatory or harassing;
 - 5.4.2.6** Breaching terms and conditions of software licensing agreements;
 - 5.4.2.7** Interfering with the normal operation of computing equipment, facilities, networks or systems by, among other things, flooding the network with messages, sending chain letters or pyramid solicitations;
 - 5.4.2.8** Using the University's computing equipment, facilities, networks and systems for profit or commercial gain;
- 5.4.3** No Student shall destroy, misplace, misfile, or render inoperable any stored information such as books, film, data files or programs from a library, computer or other information storage, processing or retrieval system owned or controlled by Cape Breton University.

5.5 Alcohol and Drug Use While on University premises

- 5.5.1** No Student shall contravene the Liquor Control Act of Nova Scotia or a provision of the University alcohol policy, nor shall any Student possess, use or sell a drug to which access is restricted by law.

5.6 False Information and Identification

- 5.6.1** No Student shall knowingly furnish false information to any person or office acting on behalf of the University.
- 5.6.2** No Student shall forge, alter or misuse any document, record or instrument of identification.
- 5.6.3** No Student shall knowingly furnish false information to any person regarding his or her standing, status or academic record at Cape Breton University.
- 5.6.4** No Student shall fail to provide identification to any person or office acting on behalf of the University, upon request. (See also Section 5.8.2.)

5.7 Possession of a Firearm or Weapon

- 5.7.1** No Student shall possess a firearm or other weapon as defined by the Criminal Code of Canada on University premises.

5.8 Failure to Comply

- 5.8.1** Failure to comply with a sanction will constitute grounds for the imposition of additional sanctions.
- 5.8.2** Students have an obligation to comply with all Campus Security personnel when they are engaged in official duties; for example, by providing CBU Student Identification when requested. (See also Section 5.6.4.)
- 5.8.3** Students have an obligation to assist with processes under this Code, within reason, and upon request.

5.9 Other

- 5.9.1** No Student shall contravene any provision of the Criminal Code or any other federal, provincial or municipal statute on the premises of the University or in the course of the University's programs or services, or University approved events or activities.
- 5.9.2** No Student shall leave a child unattended and unsupervised on any University premises. While there is no set age for which a child may be left unattended, the general rule is that anyone who is not a University Student under the age of 18 should not be left in an unsupervised manner.

6. COMPLAINT PROCEDURES

Levels of Code Violations

- 6.1** Breaches of the Code are categorized in three Levels:

- 6.1.1** Level 1 infractions minor infractions, such as smoking in a smoke-free area.
- 6.1.2** Level 2 infractions are those of a more serious nature that present harm to another individual, property, or self. Repeated or multiple infractions, including repeated or multiple Level 1 infractions, may also fall within Level 2.
- 6.1.3** Level 3 infractions are those of a very serious nature, such as infractions that could lead to Student expulsion. Repeated or multiple infractions, including repeated or multiple Level 1 and/or Level 2 infractions, may also fall within Level 3.

Responsible Authority

- 6.2** The Manager, Security Services, or designate, is the Responsible Authority for Level 1 infractions.
- 6.3** The Director of Student Affairs, or designate, is the Responsible Authority for Level 2 and Level 3 infractions.

- 6.4** The Director responsible for Student housing, or designate, is the Responsible Authority for infractions that are addressed pursuant to the University's residence agreement.

Making a Complaint

- 6.5** Any member of the University Community may file a complaint alleging breach of the Code.
- 6.6** All complaints must be provided to Security Services. A complaint may be provided verbally or in writing.
- 6.7** Complaints should be made as soon as possible after the alleged violation. Failure to do so may result in loss of evidence and inability to process the complaint fully.
- 6.8** If the Responsible Authority is made aware of an alleged breach of this Code, and the complainant does not want to proceed or continue with a complaint, the University may proceed with the complaint at the Responsible Authority's discretion, considering the University's obligations to the University community.
- 6.9** Upon receipt of a complaint, Security Services, in consultation with the Director of Student Affairs, as necessary, will determine the level of the complaint.
- 6.10** The Responsible Authority will review the complaint and determine whether to proceed with the complaint under the Code and whether further investigation is required.
- 6.11** If the Responsible Authority determines that the complaint will proceed under the Code, the Responsible Authority or designate will notify the Respondent in writing of the complaint and that the complaint will proceed under the Code. The Respondent will be notified within five (5) working days of receipt of the complaint and will be provided with a copy of, or access to, this Code.
- 6.12** If the Responsible Authority makes a determination not to proceed with the Complaint, the Responsible Authority or designate will notify the Complainant in writing that the Responsible Authority will not proceed with the complaint and, if appropriate (as determined by the Responsible Authority), refer the Complainant to another resource or authority. In such a case, the Responsible Authority or designate will close the file and no further steps will be taken under the Code.

University Residence

- 6.13** When an allegation of breach of this Code occurs within a University residence, the complaint must be provided to the Director responsible for housing, who shall implement the residence disciplinary process in place pursuant to the University's residence agreement. The Director responsible for housing will also provide information related to the complaint to Security Services and the Director of Student Affairs.

7. IMMEDIATE RESTRICTIONS

- 7.1** The Director of Student Affairs may, at any stage of a complaint, impose immediate restrictions on the Respondent, including but not limited to:
- 7.1.1** denial of access to specific facilities on campus
 - 7.1.2** denial of access to University activities or privileges
 - 7.1.3** suspension from the University (including classes).
- 7.2** Immediate restrictions may be imposed only:
- 7.2.1** To ensure the safety and well-being of members of the University community or preservation of University property;
 - 7.2.2** to ensure the Student's own physical or emotional safety and well-being;

7.2.3 if the Student poses a threat of disruption or of interference with the operations of the University or the activities of its members.

7.3 When determining immediate restrictions, the Director will consider the Respondent's and, where reasonable, attempt to minimize the impact on the Respondent's ability to participate in their academic program.

7.4 Immediate restrictions are temporary. The Director of Student Affairs will impose immediate restrictions for a specific period of time, which may be extended at the discretion of the Director.

7.5 The Director will notify the Respondent and Security Services of the immediate restrictions, time frame and reasons for the restrictions, in writing. Other affected parties that need to know about the immediate restrictions may also be notified.

7.6 A Respondent who is subject to immediate restrictions that impact their ability to participate in their academic program may appeal the immediate restrictions to the Vice President, Academic and Provost, in writing.

8. INFORMAL, ALTERNATE RESOLUTION

8.1 In many situations where a Complaint has been made, an informal, alternate resolution process may be beneficial to resolve the matter.

8.2 At any stage of an investigation, the Director or designate may, if the Director or designate considers it appropriate in the circumstances, recommend that the Respondent, Complainant, and, if applicable, the University enter into an informal, alternate resolution process. This option is voluntary and must be mutually and voluntarily agreed upon by the Respondent, Complainant and the applicable University official on behalf of the University.

8.3 If the Respondent, Complainant and, if applicable, the University, elect to proceed under an informal, alternate resolution process, the investigation under the Code will be held in abeyance pending the outcome of the informal, alternate resolution process. The investigation will be held in abeyance for no longer than six (6) months and:

8.3.1 if within six (6) months of the date the parties commence the informal, alternate resolution process either: a. the Complainant or Respondent notifies the Director or designate in writing that they withdraw from the informal, alternate resolution process, or b. the Director or designate determines that the informal, alternate resolution process has failed, the Director or designate will resume the investigation; or

8.3.2 if within six (6) months of the date the parties commence the informal, alternate resolution process, the Director or designate determines that the complaint has been resolved under the informal, alternate and/or resolution process, then the Director or designate will terminate the investigation. If the Director makes such a determination, the Director or designate will notify the Complainant and Respondent in writing and will close the file. In such a case, no further steps will be taken under the Code.

9. INVESTIGATIONS

9.1 If the Director determines that a complaint requires investigation, the Director will appoint an internal or external investigator.

9.2 All investigations are expected to be completed in a timely manner and the assigned investigator should do their best to have the full report within thirty (30) days of initiation. If an extension is required, it will be requested through the Responsible Authority by the investigator.

9.3 Investigations under the Code will be conducted in a procedurally fair manner. This means:

- 9.3.1** the investigator will be unbiased
- 9.3.2** the Respondent is informed of the details of the complaint
- 9.3.3** the Complainant is informed of the Respondent's response to the complaint
- 9.3.4** each party has a meaningful opportunity to know the evidence against them and respond.
- 9.3.5** The parties are given sufficient notice of interviews or meetings where they are expected to present or respond to evidence gathered as part of the process.
- 9.3.6** There is a written decision that includes a sufficiently detailed explanation of the facts and analysis to enable the parties and any reviewing body to understand the decision and the basis for the decision.

9.4 The investigator's report will consist of:

- 9.4.1** A description of the evidence of all witnesses and any other relevant evidence
- 9.4.2** Findings of fact
- 9.4.3** Explanation of findings of credibility, if applicable
- 9.4.4** A determination as to whether, on a balance of probabilities, the Respondent violated the Code
- 9.4.5** The reasons for the findings of fact and any finding of breach of the Code

Support During an Investigation

- 9.5** Any person being interviewed in connection with an Investigation may bring one support person (e.g., a family member, a friend, an Elder) to the interview, but the support person may not speak on behalf of the individual being interviewed.
- 9.6** Individuals acting as a support person during an Investigation are expected to conduct themselves in a professional and respectful manner. Failure to do so may result in that support person being asked to withdraw from an interview, in which case the individual being interviewed can agree to proceed with the interview without a support person or request the interview be postponed until an alternate support person has been identified.

Respondent's Participation

- 9.7** In the event that a Respondent fails to attend an interview, declines to participate in an interview, and/or chooses not to participate or fully cooperate in the investigation, the investigator may proceed with the investigation without the benefit of the Respondent's participation. In such a case, the Investigative Report will be based on information gathered from other sources.

10. SANCTIONS

Decision by Responsible Authority

- 10.1** The Responsible Authority, upon receipt of the Investigator's Report if initiated, will determine what sanctions will be applied and provide this decision to the Respondent. Every attempt will be made to provide this decision in person, within five (5) working days of receipt of the investigator's report, with follow-up in writing.
- 10.2** Sanctions will be determined by considering the following factors:

- 10.2.1** the nature and severity of the Breach of Non-Academic Conduct;
 - 10.2.2** the impact the Breach of Non-Academic Conduct has had on the University community;
 - 10.2.3** the inadvertent or deliberate nature of the Breach of Non-Academic Conduct;
 - 10.2.4** whether the Respondent accepts responsibility for the Breach of Non-Academic Conduct;
 - 10.2.5** previous breaches by the Respondent and any sanctions imposed;
 - 10.2.6** whether the Breach of Non-Academic Conduct is an isolated incident or not; and
 - 10.2.7** any other mitigating or aggravating circumstances.
- 10.3** While the University may impose a variety of sanctions in response to a Breach of Non-Academic Conduct, Respondents may also be provided with sanctions that provide educational opportunities promoting good citizenship and personal growth and development.
- 10.4** The purpose of sanctions is to affirm the standard of conduct required from Students by the University as outlined in the Code, to repair harm that has been done and/or restore what has been damaged, and to guide Respondents in making appropriate choices in the future.
- 10.5** This list of sanctions is not exhaustive and serves as a guideline only. The following sanctions are examples, but are not limited to:
 - 10.5.1 Warning** - A notice in writing to the Student that the Student is violating or has violated institutional regulations.
 - 10.5.2 Probation** - Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the Student is found to be violating any institutional regulation(s) during the probationary period.
 - 10.5.3 Loss of Privileges** - Denial of specified privileges for a designated period of time.
 - 10.5.4 Restitution** - Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement of damaged or lost items.
 - 10.5.5 Discretionary Sanctions** - Work assignments, service to the University or other such discretionary assignments that are considered appropriate.
 - 10.5.6 Conditions** - Conditions may be imposed upon a Student's continued attendance at Cape Breton University and may include forfeiture of University awards or financial assistance.
 - 10.5.7 Behaviour Contract** – a signed agreement between the University and Student with agreed upon behaviour and potential outcomes for future infractions to the Code or other University policies.
 - 10.5.8 University Suspension** - Suspension of the Student from the University for a specified period of time, after which the Student is eligible to return. Conditions for readmission may be specified.
 - 10.5.9 University Expulsion** - Permanent separation of the Student from the University.
- 10.6** More than one of the sanctions listed above may be imposed for any single violation.
- 10.7** Security Services, and any other party on a need-to-know basis, will be notified of the Respondent's breach of the Code and sanctions imposed. If the Respondent is expelled or suspended, the Registrar must be notified and this sanction will be recorded on the Respondent's academic record.

In the case of a suspension, once the sanction period has ended, the notice will be removed from the Respondent's academic record.

10.8 If a Respondent refuses or fails to comply with a sanction or sanctions imposed under this Code, this is considered a violation of the Code and additional sanctions may be imposed under the Code process.

10.9 A sanction be held in abeyance if the Respondent's registration at the University is interrupted for any reason.

11. RECONSIDERATION & APPEALS

Reconsideration of a Decision

11.1 If new information becomes available, which was not available at the time the original decision was made, that could reasonably impact the original decision, a Respondent may request in writing to the Director that the original decision be reconsidered. The request must be submitted by the Respondent within six (6) months of receiving the original decision. The Director and/or the Vice-President, Academic & Provost (in the case of a suspension) will re-review the original decision, taking into account the new information.

Appeals

11.2 Decisions made under this Code may be appealed on the basis of procedural unfairness, which means that reasonable procedures were not followed or were improperly applied during the Investigation and/or decision-making process.

11.3 Decisions made by Security Services may be appealed to the Director of Student Affairs. Appeals must be made in writing within five (5) working days of the date the decision was provided to the Respondent.

11.4 Decisions made by the Director of Student Affairs may be appealed to the Associate Vice-President, Enrolment and Student Experience (or designate). Appeals must be made in writing within ten (10) business days of receipt of the decision.

11.5 All appeals must be made in writing and provide an explanation of the grounds of appeal, as permitted under the Code.

11.6 The Director or Associate Vice-President, Enrolment and Student Experience (or designate), as the case may be, may summarily dismiss a request for appeal that they determine does not raise a valid ground of appeal under this Code, and will notify the Respondent in writing of this determination.

11.7 In the case of appeals to the Director, the Director will consider the written submissions of the Respondent and may seek written submissions from Security Services, in response.

11.8 The Director will issue a decision on an appeal within five (5) working days.

11.9 Appeals to the Associate Vice-President, Enrolment and Student Experience (or designate) that are not summarily dismissed will be addressed by the Student Non-Academic Conduct Appeals Committee.

11.10 The Appeals Committee will comprise:

11.10.1 a Student

11.10.2 a member of faculty and/or School Dean, and

11.10.3 a member of university administration.

11.11 The Director or the senior administrator, as the case may be, will chair the Appeals Committee.

11.12 The Chair of the Appeals Committee will convene the appeal as soon as reasonably possible.

11.13 In circumstances where the sanction imposed on the Respondent was suspension or expulsion, the appeal will be conducted with oral submissions from the Respondent, at the Respondent's request. In other cases, the Appeals Committee has the discretion to determine whether the appeal will proceed by oral or written submissions.

11.14 Once the hearing or written review is complete the Appeals Committee will render a decision and advise the Respondent within three (3) working days.

11.15 If the Appeals Committee determines that the grounds of appeal are proven, it may, depending on the reasons for decision and the circumstances of the case before it:

- i. Refer the matter back to the investigator for reconsideration
- ii. Require that a fresh investigation be undertaken and direct the Responsible Authority to appoint a new investigator
- iii. Order that any immediate restrictions in place during the investigation continue
- iv. Direct the Responsible Authority to determine whether any immediate restrictions should be imposed pending the re-investigation,
- v. Suspend any disciplinary measures or remedial measures ordered as a result of the finding,
- vi. Uphold the sanctions ordered, and/or
 - i. Modify or reverse the sanctions and substitute its own decision.

11.16 The Appeals Committee will issue its decision in writing. The decision will include an explanation of the basis and reasons for the decision.

11.17 The decision of the Appeals Committee is final.

12. POLICY REVIEW

12.1 This Code will be reviewed at least once every 3 years, and updated, if necessary, to ensure it remains current and relevant.

13. RELATED DOCUMENTS

13.1 This list of other documents is not exhaustive and serves as a guideline only. The following policies are examples, but are not limited to:

- Occupational Health and Safety Act
- Alcohol Policy
- Risk Management Policy
- Information Technology Usage Policy
- Smoke Free Campus Policy
- Respectful Campus Policy

Sexual Violence Prevention & Response Policy