I. INTRODUCTION

Carleton University is a community of faculty, staff, students and associated professionals who are engaged in and/or support teaching, learning and research within an environment of education, work and living.

The University requires tolerance, civil conduct, and respect for the rights of others. It endeavours to provide a safe environment, conducive to personal and intellectual growth, which is not only free of discrimination, injustice and violence but is also characterized by understanding, respect, peace, tolerance, trust, openness and fairness.

Membership in the University community entails certain rights and responsibilities, including an obligation to deal ethically and fairly with other members and to not discriminate or harass. All members of the University community share responsibility for ensuring that the University’s educational, work and living environments respect these commitments. The University will take reasonable steps to ensure that students are aware of their rights and responsibilities.

In consultation with its student constituencies, the University has developed provisions through this policy to safeguard the educational, work and living environment of students and other members of the Carleton community, and to address student conduct that jeopardizes the orderly functioning of the institution, and/or the health, safety, human rights or property of its members.

The purpose of the Student Rights and Responsibilities Policy is articulated below. Misconduct is described under the Offences section of this Policy.

II. PURPOSE

The goal of the Student Rights and Responsibilities Policy (hereinafter “the Policy”) is to ensure transparency and consistency in expectations for conduct, as well as the address of and remedies for misconduct that are corrective, not punitive. This remedial approach seeks to impose penalties that are no greater than necessary to remedy the misconduct and to make clear that inappropriate conduct will not be tolerated. The primary objective is to ensure that appropriate student behaviour is maintained in a diversified educational environment.

The Policy will:
- Identify student rights and responsibilities.
- Identify behaviour that is considered non-academic student misconduct.
- Ensure transparency, consistency and predictability in policies and procedures.
- Identify the process by which student non-academic misconduct will be addressed and the avenues of appeal.
- Ensure all members of the University have access to the Student Rights and Responsibilities Policy.

### III SCOPE

This Policy applies to the conduct of students while on Carleton University premises or when acting as delegates or designated representatives of Carleton University, members of a class, student participants at a University-sponsored event off campus, and students who are at their place of work while on a University co-op placement. This Policy also applies to exchange students studying at Carleton University.

### IV PRINCIPLES

The University is committed to promoting a safe environment for living, learning and studying. Section 3 of the Carleton University Act 1952 states, "The objects and purposes of the University include the intellectual, social, moral, and physical development of its members, and the betterment of its community; however, the University has no general responsibility for the moral or social behaviour of its students."

The best knowledge of a community resides with its members, who are thereby best placed to decide what conduct is appropriate or inappropriate to their diverse environment. For that reason, this Policy reflects the collective contributions of all constituencies of the Carleton University community. The application of the Policy includes input, through formal venues, of representatives from those constituencies.

University decision-making is bound by the principles of procedural fairness and natural justice. The University is committed to ensuring that allegations of student non-academic misconduct are dealt with fairly. This requires clear communication of prohibited conduct, notice of allegations, notice of procedures, an opportunity to be heard, notice of reasons for any decision, and a right to appeal those decisions, all in accordance with this Policy.

### V DEFINITIONS

**Advisor** is a person who supports a student required to appear for a hearing to provide advice, guidance and/or moral support to the student, arranged by the student. For the purpose of this Policy, the advisor is a trained Peer Helper, the Ombudsperson, a representative from Carleton University Students’ Association (CUSA), Rideau River Residence Association (RRRA), Graduate Students’ Association (GSA), or another student. The Advisor may also accompany the student to the hearing. The Advisor is not considered to be a party at the hearing.

**Note:** The University will train two undergraduate students as Student Rights and Responsibilities Peer Helpers to provide informed advice and support to individual students.

**Associate Vice-President (Student Support Services)** AVP (SSS) is designated by the University President as responsible for the overall administration of this Policy.
**Carleton University Resolution Board (CURB)** is the committee described in Appendix D to this Policy. It is the final committee to which students may appeal decisions made pursuant to this Policy. The CURB is chaired by the AVP (SSS) and consists of four members; one faculty member, one staff member, one student, and the chairperson. Appeal hearings through CURB are arranged through the Office of the AVP (SSS).

**Community Service** is voluntary service, agreed to by the recipient of the service, which will be performed as all or part of a sanction imposed. If possible, the service will be related to the incident. Its purpose is constructive, allowing the student to give back to the community, rather than punitive.

**Director, Student Affairs** (the Director), means an individual who will receive, review and hear allegations of misconduct, make determinations and/or recommendations under this Policy independently and provide guidance to the Peer Conduct Board and ensure the full implementation of this Policy and its procedural elements.

**Fine** means a monetary fine, assigned as a sanction. Fines will be determined by the Director, Student Affairs, the Peer Conduct Board, and/or members of the CURB. Individual fines will not exceed $500.00. Funds collected through fines will be remitted to the Student Emergency Fund.

**Guest** means a person on campus as the result of an invitation by a student, and/or a person who is being treated as a guest by a student host on University premises.

**Harassment** means engagement in conduct (including innuendo) which may be based on Human Rights grounds that is abusive, demeaning, threatening, vexatious, or intimidating, or involves the misuse of authority or power that exceeds the bounds of freedom of expression or academic freedom *(excerpt from the Carleton University Statement on Conduct and Human Rights)*.

**Hazing** means any act which endangers, or could reasonably be seen to endanger the mental or physical health or safety of a student, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization.

**Hearing/Interview** means a proceeding at which evidence and arguments may be presented on the matter at issue to be decided by a person or body having decision-making authority. Procedural options are dependent on the severity and complexity of the issue at hand and may include verbal notice and response, written notice and written response, oral hearing, or formal panel. Hearings will generally be closed to members of the community, unless a student specifically requests an open hearing. In cases wherein intimate, personal or other matters will be disclosed, and there would be an impact to the individual parties involved, hearings will be closed.

**Instructor** means any individual employed by the university to teach. Student misconduct does not include offences committed by instructors who are also students, where the offence arises in the course of their employment. Misconduct by a student does not include breaches of the students’ employment contract for the purposes of this Policy.

**Misconduct** means actions by a student that are in violation of their responsibilities under this Policy and actions that constitute a defined offence under this Policy.

**Offence** means a form of misconduct identified in the list of offences in the Student Rights and Responsibilities Policy.

**Peer Conduct Board (PCB)** is the committee described in Appendix B to this Policy and provides an opportunity for student involvement in the judicial process. Peer Conduct Board
(PCB) members have the authority to recommend any sanction under this Policy except trespass, suspension and expulsion.

**Policy** is defined as the written regulations of the University as found in, but not limited to, this Policy, the Residence Contract, and Carleton University policies available on-line through the Board of Governors Office.

**Restitution** means reimbursement for damage or misappropriation of property.

**Student** means a person who is currently registered in a course of study approved by Senate; engaged in any academic work which leads to the recording and/or issue of a mark, grade or statement of performance by the appropriate authority of the University or another institution; entitled to a valid student card who is between sessions but is entitled because of student status to use University facilities, and/or participating in the intensive language programs and/or bridging or transition programs under the Centre for Initiatives in Education. This definition includes exchange students studying at Carleton but does not include students on exchange elsewhere.

**Student Host** means a student who has a guest on University premises.

**Support Services** include, but are not limited to, Equity Services and the Centre for Aboriginal Culture and Education, the Student Academic Success Centre, the Paul Menton Centre, the University Ombuds Office, University Registrar’s Office, Health and Counselling Services, the Department of University Safety, Awards & Financial Aids Office, Housing & Conference Services, the Student Experience Office, University Services, Carleton University Students’ Association (CUSA), Graduate Students’ Association (GSA), and any other administrative office that provides direct support to students.

**University** refers to Carleton University and all its holdings and premises, including those leased or rented, or otherwise under its control.

**University Official/Officer of the University** means an employee of the University acting in the consistent, normal and legitimate course of their duties. Except in unique circumstances, the duty of the preservation and/or protection of members of the University community and its property, facilities and reputation will be the responsibility of representatives of the Department of University Safety.

**University Sponsored Event** means an event sanctioned or supported by Carleton University on University premises or elsewhere in the course of activities sponsored by the University. This may include academic field trips, varsity sport competitions, off-campus lectures, plays or speakers which form part of the academic course of study, or other events sponsored by a University official acting in their University capacity.

**Vexatious Complaint** is one instituted maliciously and without probable cause, or one not based on factual grounds but with the intention of the complainant to be vindictive, as can reasonably be determined.

### VI STUDENT RIGHTS AND RESPONSIBILITIES

The University upholds and will take reasonable steps to ensure that students, as members of the University community, are aware of their rights and responsibilities, as follows:

1. **Participation in University and Student Associations**
   Students may participate in the formulation and application of institutional policy affecting
academic, extra-curricular, student union and government affairs through formal channels developed for this purpose. Students further have the right to be members of and participate in their student associations.

2. **Freedom of Discussion**
   The traditional privileges of freedom of inquiry and freedom of expression which are enjoyed by members of a university community are reflected in the concept of academic freedom. These can be assured only if all members of the community share the responsibility of granting these freedoms to others and accept the obligation of a standard of behaviour which respects the rights of others. Students may think, speak, write, create, study, learn, pursue social, cultural and other interests and associate together for these purposes subject to the principles of mutual respect for the dignity, worth and rights of others as outlined by the *Ontario Human Rights Code* and the “Carleton University Statement on Conduct and Human Rights”, which appears in Carleton’s omnibus Human Rights Policy.

3. **Assembly**
   Peaceful assemblies, demonstrations and lawful picketing are allowed within established laws.

4. **Confidentiality**
   The importance of confidentiality of each student’s academic and disciplinary University record is recognized and will be protected in accordance with legislative and policy obligations.

5. **Right to Fair Process and Natural Justice**
   Every student who has been accused of non-academic misconduct has the right to a hearing, if desired. The University will make available to every student an impartial process to hear allegations of misconduct brought against him or her. Every student who is alleged to have committed a non-academic offence has a right to know the case against him or her, and to present a defence.

   In particular, every student has a right:
   
   - to be promptly informed in writing of the nature of the charge;
   - to be treated with procedural fairness and natural justice;
   - to refuse to answer questions in a hearing or official meeting related to the misconduct process, with the understanding that with this refusal an adverse inference may be drawn;
   - to know, respond and seek clarification of evidence presented by witnesses; and,
   - to seek advice from and be accompanied by an advisor from the Carleton community, including the University Ombudsperson, if desired, when appearing before a decision-maker.

6. **Individual responsibility and accountability**
   Section 3 of the Carleton University Act 1952 states, "The objects and purposes of the University include the intellectual, social, moral, and physical development of its members, and the betterment of its community; however, the University has no general responsibility for the moral or social behaviour of its students."

   Students are expected to be individually responsible for their actions whether acting individually or in a group. Students are considered by the University to have an obligation to make legal and responsible decisions concerning their conduct and to model and convey the University’s expectations of conduct to their guests.
In the exercise of its authority and responsibility, the University treats students as free to organize their own personal lives, behaviours and associations subject only to:

- University policies and regulations, municipal bylaws, and provincial and federal legislation;
- The peaceful and safe enjoyment of the University campus and facilities, including the peaceful and safe enjoyment of its residences; and
- The freedom of members of the University community to participate reasonably in the University and its activities.

(Note: This section is not to be used to subvert #3 in the preceding “Students Rights and Responsibilities” section.)

7. **Right to Representation**

Students have the irrevocable right to having an Advisor present during any inquiries or hearings as a result of this policy. Students bear the full obligation of finding, arranging for and ensuring the presence of the Advisor at such inquiries or hearings.

### VII STUDENT NON-ACADEMIC MISCONDUCT OFFENCES

For the purposes of this policy, forms of student non-academic misconduct have been divided into two general categories. It is recognized that the line between Category 1 and Category 2 Offences is not absolute, and will be defined on a case by case basis. Category 1 Offences are generally considered less serious than those in Category 2. Offences in each category will be accorded defined sanctions within that level as appropriate to the conduct. Sanctions can be varied in exceptional circumstances. Students who aid or abet another student in the commission of an infraction of this Policy will also be held liable for their actions.

Students are encouraged to seek advice from the Ombudsperson in all matters related to non-academic misconduct, and may be accompanied by the Ombudsperson or other advisor (as defined in section V) to any hearing related to non-academic misconduct.

**Category 1 Offences** include damage to property, facilities, and/or non-compliance with any university rule, regulation or policy.

**Category 2 Offences** are those which jeopardize the health, safety and/or security of members of the university community, and/or arise from repeated offences in Category 1 which have been referred for address by the university official involved.

Non-academic misconduct is outlined in the following list of offences. Any of the following activities constitute an offence under this Policy and as such are subject to the procedures and sanctions outlined.

The activity meriting sanction may also be subject to criminal prosecution or civil action, notwithstanding and in addition to this Policy.

**A) CATEGORY 1 OFFENCES**

Depending on the specific conduct, a Category 1 Offence may be determined, upon the review of the facts, to be a Category 2 Offence.

1. **Disruption**

   No student shall:
• engage in disruptive conduct affecting any activity or service of the University or its members (excerpt from "Offences of Misconduct", Part 1, "Statement on Conduct and Human Rights", Carleton Human Rights Policy)

*This offence shall not be used to interfere with the rights described in #2 and #3 of the section, “Student Rights and Responsibilities”, appearing earlier in this Policy.*

2. **Unauthorized Entry and/or Presence**
   No student shall:
   • enter into or remain in any private University premises without proper authority, or remain in any premises when asked to leave by an officer of the University.
   • knowingly invite or admit a guest who has been trespassed or banned from the area or facility.

3. **Damage and Destruction of Property (under $500.00)**
   No student shall:
   • misappropriate, destroy or otherwise damage University property;
   • misappropriate, destroy or otherwise damage any property not the person's own on University property;
   • deface the inside or outside of any building or property of the University.

4. **Unauthorized Use of Facilities, Equipment, Materials or Services**
   No student shall:
   • use any facility, equipment, material or service contrary to express instruction or without proper authority;
   • obtain any University equipment, material or service by fraudulent means or by providing false information.

5. **Misuse of University Equipment or Supplies**
   No student shall:
   • without proper authority where required, make, alter, use, receive or possess University supplies. University supplies include but are not limited to equipment, keys, records, permits, letterhead, stationary and envelopes.

6. **Misuse of Library or Computer Resources**
   No student shall:
   • remove books, equipment or other library material from the university libraries without proper authorization;
   • mutilate or deface library books or material;
   • purposefully misplace library books or material or in any way deprive others of access to library resources;
   • abuse any University computer or computer related facility or software, alter or remove computer files or software without proper authorization, purposefully misplace, or deprive others of access to such computer resources;
   • use computer equipment on campus to download, distribute or send offensive, discriminatory, and/or harassing material.
7. Failure to comply
No student shall:

- fail to comply with directions of University officials acting in the legitimate performance of their duties.
- fail to comply with applicable federal or provincial statutory responsibilities as may be in force from time to time.

8. Failure to Identify
No student shall:

- fail to identify himself or herself to representatives of University Safety, exam proctors, or other University officials where such information is relevant to the legitimate pursuit of their duties.

B) CATEGORY 2 OFFENCES

1. Verbal/Physical Abuses, Threatening Behaviour and Dangerous Activity
No student shall:

- verbally, whether in writing or orally, threaten harm to any member of the University community;
- physically abuse, threaten or cause any other member of the University community to reasonably fear physical abuse;
- create a condition which endangers or threatens the safety of themselves or others.

*NOTE*: Such conduct directed at Officers of the Department of University Safety in the active pursuit of their duties may merit greater sanctions than those which might otherwise be imposed.

2. Inciting Violence
No student shall, on University premises or off-campus, individually or with a group, or in connection with a demonstration including picketing or a rally:

- use words which threaten violence or physical abuse to any group or individual;
- use words in a situation of clear and imminent danger which incites, or is intended to incite, others to behaviour which (would) result(s) in misconduct as outlined in this section.

3. Harassment
No student shall:

- harass a person or a group (see definitions).

4. Possession, Use or Distribution of False Identification
No student shall:

- possess, distribute or use false identification or altered identification.

5. False or Vexatious Charges
No student shall:

- knowingly bring a false or vexatious charge against any member of the University community.
6. Misconduct Related to the Use of Alcohol/Drugs
   No student shall:
   - be drunk and disorderly in public on University premises;
   - be in possession of, furnish to anyone, or consume, controlled substances;
   - be in possession of, or consume alcoholic beverages, except when properly in attendance at a licensed campus pub or event, or as permitted under the Residence Contract and/or the University Alcohol Policy;
   - be in possession of or consume alcohol anywhere on University premises if under the age of (nineteen) 19 years;
   - furnish alcoholic beverages to any person under the age of (nineteen) 19;
   - Otherwise violate the University Alcohol Policy.

   NOTE: Intoxication is never grounds for leniency. Rather, drinking and/or use of controlled substances are subject to sanction, notwithstanding and in addition to sanctions imposed for student non-academic misconduct associated with the drinking/controlled substance.

7. Hazing
   No student shall:
   - engage in “hazing” (see definitions)

8. Theft, or Unauthorized Possession
   No student shall:
   - possess University property or the property of any member of the University community without the permission of the rightful owner;
   - use, possess, or distribute firearms, explosives, other weapons or dangerous chemicals on University premises.

9. Abuse of the Student Rights and Responsibilities Policy and Procedures
   No student shall:
   - knowingly (on an objective standard) falsify, distort, or otherwise misrepresent information at any point in the application of this Policy;
   - disrupt or interfere with the orderly conduct of a student non-academic misconduct hearing;
   - knowingly falsify an incident report on another student;
   - attempt to discourage an individual's proper participation in, or use of the student non-academic misconduct process;
   - attempt to influence the impartiality of a member of the Peer Conduct Board and/or CURB prior to, and/or during the student non-academic misconduct process;
   - harass (verbally or physically) and/or intimidate or attempt to intimidate a member of a Peer Conduct Board and/or CURB prior to, during, and/or after a student non-academic misconduct process;
   - influence or attempt to influence another person to abuse the Carleton University Student Rights and Responsibilities Policy or knowingly violate conditions of confidentiality imposed by the Director, the Peer Conduct Board or the CURB.

10. Damage and Destruction of Property (over $500.00)
No student shall:
- misappropriate, destroy or otherwise damage University property;
- misappropriate, destroy or otherwise damage any property not the person’s own on University property;
- deface the inside or outside of any building or property of the University.

11. Abuse of Carleton’s Gambling Policy:
No student shall:
- engage in activities that are prohibited under the University’s Gambling Policy. This includes any and all gambling activities or events that take place on University property outside of University-approved charity events.

VIII PROCEDURES FOR ADDRESSING STUDENT NON-ACADEMIC MISCONDUCT

A) RESIDENCE OFFENCE PROCEDURES
Any breaches of the Residence Contract are handled in the first case by the Department of Housing and Conference Services in accordance with its disciplinary procedures and sanctions. Appeals of decisions of the Director, Housing and Conference Services, shall be dealt with in accordance with the appeal processes set out in this Policy.

The Peer Conduct Board also has the authority to hear cases of alleged infractions of the Residence Contract, and has the authority to make recommendations for sanctions to the Director, Housing and Conference Services. The Director, Housing and Conference Services may uphold the recommendations of the Peer Conduct Board and apply these sanctions to the student, or apply a lesser sanction.

B) CARLETON CO-OPERATIVE EDUCATION PROCEDURES
Any breaches of the Co-op Participation Agreement (Appendix A) are handled in the first case by Carleton’s Co-operative Education Office in accordance with the Agreement’s procedures. In instances where a Co-operative Education student’s behaviour or conduct in the workplace exceeds the provisions outlined in the Co-op Participation Agreement, the Director, Career Development and Co-operative Education may refer the student to the Director, Student Affairs, where the student’s alleged behaviour will be addressed under the provisions of this Policy.

C) GENERAL PROVISIONS
Any student reported for alleged misconduct is subject to formal procedures under this Policy regardless of concurrent action or inaction of civil or criminal authorities. Misconduct by a student may constitute a violation of one or more University policies including but not limited to those related to residence, human rights, alcohol use and use of information technology services.

Where there are questions about the application of this Policy and/or related policies, they shall be determined by the Director in consultation with the administrators of the other policies. Where there is a conflict between two policies, or between sanctions under this Policy and another University policy, this Policy and its sanctions will take precedence.

Any member of the Carleton community may file a complaint concerning an offence under this Policy with the Director within 30 calendar days of the incident in question.
This time period for filing notice of an alleged offence may be extended at the discretion of the Director or the AVP (SSS).

Students are encouraged to seek advice from the Ombudsperson or an Advisor in all matters related to non-academic misconduct, and may be accompanied by the Ombudsperson or an Advisor to any hearing related to non-academic misconduct. Students will also be provided with the names of trained peer helpers to act as Advisors.

Every student who has allegedly been involved in misconduct and invited to an interview or a hearing shall be provided with:

- a proposed date of the hearing/interview, including notice of the right to reschedule the hearing within reasonable time frames.
- a written notice of the alleged offence.
- a verbal summary of pertinent evidence and particulars regarding the alleged offence (which may include summaries of DUS reports), or written summaries at the student’s request.
- a copy of or access to this Policy and Procedures, as well as specific copies of or access to other policies which are being cited to address the misconduct that has been alleged.

D) PROCEDURES FOR ADDRESSING CATEGORY 1 OFFENCES

A Category 1 Offence (see definition) may be dealt with by the official/designate within the area or department where it occurs and the appropriate sanction as set out in Section IX: A (Sanctions, Category 1) of this Policy may be applied.

A Category 1 Offence may also be referred to the Peer Conduct Board (see Category 2 Offences) when the University official/designate believes:

- the infraction warrants a sanction greater than can be imposed under the Category 1 Offence sanctions listed in Section IX: Sanctions for Non-Academic Misconduct, Category 1 Offences;
- satisfactory resolution of minor allegations and sanctions cannot be achieved between the student and the University official;
- the same Category 1 Offence has been repeated by the student, or there is a pattern of disruptive conduct; or
- the action of the student has resulted in a monetary loss to the department which must be recovered through the restitution process.

*Timeframes are subject to extension only as the result of exceptional circumstances, such as absence from the office for holidays or illness, family emergency, scheduled examinations, religious obligations, etc.*

The Peer Conduct Board may:

- dismiss the matter and provide written notification to the referring official/designate and the student of the decision within ten (10) working days*; or
- arrange a hearing with the student and, if satisfied that the offence has been committed, impose any of the offence sanctions listed below.
A designate of the AVP (SSS) will serve as an impartial advisor to the Peer Conduct Board, and will provide written notification to the referring official/designate and the student of the Peer Conduct Board’s decision within ten (10) working days*.

Where the student decides not to appear at a scheduled interview, a decision will be made in the absence of the student.

Students who have grounds for believing that they have been treated unfairly in the application of the sanction by the Peer Conduct Board, may appeal to the Director within ten (10) working days* of the imposition of the determined sanction.

For further procedural details regarding the Peer Conduct Board see Appendix B. For further procedural details regarding appeals see Section X: Student Appeals.

E) PROCEDURES FOR ADDRESSING CATEGORY 2 OFFENCES

A Category 2 Offence (see definition) is referred to the Director by the University official/designate in whose jurisdiction the incident has occurred, or by the Department of University Safety normally within three (3) working days* of the offence/incident.

The Director, within five (5) working days*, may:

- dismiss the matter and provide formal notification to the university official and the student of the decision; or
- refer the case to the Peer Conduct Board for a hearing; or
- arrange to interview the student and, if satisfied that the offence has been committed, impose any of the offence sanctions listed below (including an exceptional sanction). The student may arrange to have an Advisor attend the interview.

All decisions of the Director will be communicated in writing to the student and the referring University official/designate, within ten (10) working days*.

Where the student decides not to appear at a scheduled interview, a decision will be made in the absence of the student.

Students who have grounds for believing that they have been treated unfairly in the application of the sanction by the Peer Conduct Board or the Director may appeal to the CURB through the Office of the AVP (SSS) within five (5) working days* of the imposition of the sanction.

For further procedural details regarding appeals see Section X: Student Appeals.

* Timeframes are subject to extension only as the result of exceptional circumstances, such as absence from the office for holidays or illness, family emergency, scheduled examinations, religious obligations, etc.
IX  SANCTIONS FOR NON-ACADEMIC MISCONDUCT

A) CATEGORY 1 OFFENCE SANCTIONS
The University official/designate in whose jurisdiction an incident occurs, the Peer Conduct Board, or the Director when the matter has been referred, may apply any one or any combination of the following sanctions if, after hearing the student's response to the allegation, he or she is satisfied that non-academic misconduct occurred:

- Exclusion from University facilities and/or computing services of the facility/department or unit related to the incident for 24 - 48 hours (excluding weekends).  *For clarification, the exclusion continues through weekends. Weekends are not considered in hours of exclusion.*
- Exclusion from any food service, licensed facilities, or residence facility on campus related to the incident for a definite period of time.
- A verbal and/or written apology.
- A fine, not to exceed $50.00 (see table for fining guidelines); funds to be remitted to the Student Emergency Fund.  **Note that educational sanctions are generally applied first; fines will typically be applied for non-compliance of educational sanctions that are applied in the first instance.**
- A period of cumulative community service to the University community not to exceed a total of five (5) hours, not necessarily served consecutively.  If a student wishes, an equivalent monetary fine (see attached table) may be chosen.  This fine will be contributed to the Student Emergency Fund.  If a student is assigned community service but does not complete that service within thirty (30) days, the alternate fine will automatically be applied and the community service sanction will be considered complete.
- Restitution for all damages. (The student will be provided with a clear outline of costs in arriving at this sum on request.) A payment plan may be negotiated with the Director of the facility, or the Director, Student Affairs.
- Completion of an educational program or project unrelated to actual academic obligations.
- The Department of University Safety may charge students who violate the Unauthorized Entry and/or Presence provision in this Policy with trespass under the Trespass to Property Act.

B) CATEGORY 2 OFFENCE SANCTIONS
The Director, and/or the Peer Conduct Board, may apply any one or any combination of the following sanctions:

- A letter of reprimand which will be maintained by Director.
- Exclusion from any food service, licensed facilities on campus, and/or residence facility related to the incident for a specified or unspecified period.
- A verbal and/or written apology.
- A fine, not to exceed $500.00 (see table for fining guidelines); funds to be remitted to the Student Emergency Fund.  **Note that educational sanctions are generally applied first, however the University may resort to fines in the first instance depending on circumstances of the violation.**
A period of cumulative community service to the University community not to exceed a total of twenty (20) hours, not necessarily served consecutively. If a student wishes, an equivalent monetary fine (see attached table) may be chosen. This fine will be contributed to the Student Emergency Fund. If a student is assigned community service but does not complete that service within thirty (30) days, the alternate fine will automatically be applied and the community service sanction will be considered complete.

Restitution for all damages. (The student will be provided with a clear outline of costs in arriving at this sum on request.) A payment plan may be negotiated with the Director, Student Affairs where requested.

Completion of an educational program or project unrelated to actual academic obligations.

Suspension from extra-curricular activities of the University community for a specified period time not to exceed one year (e.g. Athletics). Where the suspension is from a CUSA club or society normally attended, the student’s name and notice of the set period of the suspension will be provided to the Club or Society Co-ordinator of CUSA.

The Director may also issue the following sanctions. In addition to the sanctions available above, the Peer Conduct Board may also recommend the following sanctions to the Director:

- an exceptional sanction (excluding the suspension or expulsion of a student from the University);
- exclusion from facilities of the University (in whole or in part) for a specified or unspecified period of time.

C) FINING GUIDELINES

As every situation involves unique circumstances, fines assigned as sanctions will be determined by the Peer Conduct Board, the Director, or the CURB on a case-by-case basis. Fines will not be applied in the first instance, but rather for non-compliance of an educational sanction. In exceptional cases involving Category 2 offences or repeated violations of this Policy, the Peer Conduct Board may recommend a fine in lieu of educational sanction to the Director. The following will be used as general guidelines in determining an appropriate fine.

<table>
<thead>
<tr>
<th>Type of Offence</th>
<th>Minimum Fine</th>
<th>Maximum Fine</th>
<th>Community Service in lieu of fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category 1</td>
<td>$25.00</td>
<td>$50.00</td>
<td>3 – 5 hours</td>
</tr>
<tr>
<td>Category 2</td>
<td>$50.00</td>
<td>$500.00</td>
<td>5 – 20 hours</td>
</tr>
<tr>
<td>Appeal of residence financial penalty/sanction.</td>
<td>N/A</td>
<td>$500.00</td>
<td>N/A</td>
</tr>
</tbody>
</table>

D) UNIVERSITY TEMPORARY SUSPENSION AND TRESPASS SANCTIONS

The University reserves the right to bypass general non-academic misconduct procedures where immediate action is required because:

- a student’s behaviour affects other members of the community's use and enjoyment of University privileges and facilities;
- there are reasonable grounds to believe that the safety of the community is endangered;
• there is a high potential of physical danger posed by the student’s continued presence;
• damage to University property is likely; or
• the continued presence of the student would be disruptive.

 NOTE: This section will not be used to interfere with Section 6 of this Policy

Pending convening of a hearing, the President or the AVP (SSS) may apply a temporary University-wide temporary suspension and trespass sanction. In cases where there is a real and present danger or high potential to cause harm posed by a student and the President and/or the AVP (SSS) are not immediately available, the Director, Department of University Safety (DUS) may impose a temporary suspension and trespass sanction whereby the student may be excluded from the University or residence precinct. The Director, DUS will provide a full report to the AVP (SSS) and Director without delay.

Pending convening of a hearing in residence, and in cases where there is a real and present danger or high potential to cause harm posed by a student in residence, the Director of Housing and Conference Services may impose a temporary suspension and trespass sanction whereby the student may be excluded from residence. The Director of Housing and Conference Services will provide a full report to the AVP (SSS) and the Director without delay.

Upon imposition of such temporary sanction, further actions, including the involuntary withdrawal of a student on a permanent basis, will be taken as per the procedures outlined within the University’s Student At-Risk Protocol (Appendix C).

E) INTERNAL PROCESS AND CRIMINAL AND CIVIL ACTIONS

Except in cases where there is real and present danger or a high potential of real harm posed by the student, University Safety will provide a full report of the incident to the AVP (SSS) and the Director for the purpose of discussing the matter and ensuring that it is dealt with in the most appropriate manner before taking action, including prior to any decision to contact Ottawa Police Services.

The Director, in consultation with the AVP (SSS) and the Director, DUS will determine if the matter may be independently subject to University sanction under this Policy, notwithstanding and in addition to criminal prosecution and/or civil action. The AVP (SSS) will make a final determination where necessary.

Nothing in this Policy prevents any member of the University community from proceeding with criminal or civil actions independent of any University action.

X STUDENT APPEALS

Students are encouraged to seek advice from an Advisor in all matters related to non-academic misconduct, and may be accompanied by an Advisor to any hearing related to non-academic misconduct.

A) APPEAL OF CATEGORY 1 OFFENCES

Students may appeal in writing the decision of sanction including the grounds of the appeal, to the Director where the sanction has been imposed by the director/delegate of the university unit or department, or by the Peer Conduct Board within ten (10) working days* of the imposition of the initial sanction.

The grounds for appeal are:
relevant evidence that emerges which was not available at the time of the original decision; or
there was clear evidence of bias in the hearing or original decision; or
the non-academic misconduct procedures were not followed and the outcome of the case might have been substantially affected by this failure; or
the severity of the sanction imposed reasonably exceeds the nature of the offence for reasons identified by the appellant; or

* Timeframes:
Timeframes are subject to extension only as the result of exceptional circumstances, such as absence from the office for holidays or illness, family emergency, scheduled examinations, religious obligations, etc.

the student provides evidence that (a) an emergency or unforeseeable circumstance occurred preventing her/his participation in the hearing and that (b) s/he was prohibited from providing a minimum of 24 hours notice to the office of the designated hearing officer such that the student was incapable of attending the interview or hearing. Note: This ground for appeal requires compelling and convincing evidence. A simple assertion of inability to attend will rarely be acceptable.

NOTE: Mere dissatisfaction with the sanction imposed does not constitute grounds for an appeal.

Within ten (10) working days* of receiving an appeal, the Director shall contact the student to confirm that an appeal has been received. If the grounds identified for the appeal are accepted then a hearing will be established.

The Director can uphold the sanction, remove the sanction or adjust the sanction(s). For Category 1 Offences that have been heard in first instance by the Peer Conduct Board or by a director/delegate of a university unit or department and appealed to the Director, the decision of the Director upon appeal will be final.

The decision will be relayed to the student in writing within five (5) days* of the hearing, unless the decision can be made at the time of the hearing.

In cases where the Director has heard the case in first instance and assigned a sanction, a student may appeal the decision in writing including the grounds of the appeal directly to the Carleton University Resolution Board within ten (10) working days* of the imposition of the initial sanction through the Office of the AVP (SSS). Where the appeal is to the CURB, the OAVP (SSS) will provide copies of the appeal to members of the CURB to determine if the grounds for appeal are acceptable.

* Timeframes:
Timeframes are subject to extension only as the result of exceptional circumstances, such as absence from the office for holidays or illness, family emergency, scheduled examinations, religious obligations, etc.

B) APPEAL OF CATEGORY 2 OFFENCES
Students may appeal in writing the decision of sanction of the Peer Conduct Board or the Director, including the grounds of the appeal, to the CURB through the Office of the AVP (SSS) within five (5) working days* of the imposition of the sanction.
The grounds for appeal are:

- relevant evidence that emerges which was not available at the time of the original decision; or
- there was clear evidence of bias in the hearing or original decision; or
- the non-academic misconduct procedures were not followed and the outcome of the case might have been substantially affected by this failure; or
- the severity of the sanction imposed reasonably exceeds the nature of the offence for reasons identified by the appellant; or
- the student provides evidence that (a) an emergency or unforeseeable circumstance occurred preventing her/his participation in the hearing and that (b) s/he/the group was prohibited from providing a minimum of 24 hours notice to the Office of the Director, Student Affairs such that the student was incapable of attending the interview or hearing.

Note: This ground for appeal requires compelling and convincing evidence. A simple assertion of inability to attend will rarely be acceptable.

**NOTE:** *Mere dissatisfaction with the sanction imposed does not constitute grounds for an appeal.*

Within ten (10) working days* of receiving an appeal, the AVP (SSS) shall convene a Carleton University Resolution Board meeting and notify the student(s) in writing as to whether the CURB will hear the appeal. If the grounds for the appeal are accepted and a hearing is established, the student will be notified of the hearing date, and whether that hearing will be considering in-person or in-writing submissions.

The Carleton University Resolution Board can uphold the sanction, remove the sanction or adjust the sanction(s). CURB may also recommend:

- An exceptional sanction (excluding the suspension or expulsion of a student from the University).

The decision will be relayed to the student(s) in writing within five (5) working days* of the hearing, unless the decision can be made at the time of the hearing. The decision of the CURB will be final.

For further procedural details regarding the CURB see Appendix D.

* Timeframes: Timeframes are subject to extension only as the result of exceptional circumstances, such as absence from the office for holidays or illness, family emergency, scheduled examinations, religious obligations, etc.

C) **APPEAL OF SANCTIONS IN RESIDENCE**

Residence students have the right to appeal penalties and/or administrative decisions taken against them by the Department of Housing and Conference Services through its enforcement of the Residence Contract and application of Residence regulations.

A Residence student who is the subject of such a penalty or administrative decision may appeal by forwarding their written statement of appeal to the Director of Housing and Conference Services, not later than seven (7) days from the date on which the penalty was assessed or administrative action taken.

If necessary, a meeting between the Director of Housing and Conference Services and the appellant may be arranged to discuss and clarify the points of the appeal. Such a meeting may be attended by another Carleton University Residence student, or an Advisor (as
defined in Section V) should the appellant wish to have assistance in presenting his/her appeal.

The decision of an appeal heard by the Director of Housing and Conference Services will be final, except in the case of termination of Residence Contract.

In the case of termination of Residence Contract, students may appeal in writing the decision of the Director of Housing and Conference Services, including the grounds for the appeal, to the Carleton University Resolution Board. This appeal shall be filed through the Office of the AVP (SSS) within five (5) working days* of receiving the Director of Housing and Conference Services' decision.

The grounds for appeal are:

- relevant evidence that emerges which was not available at the time of the original decision; or
- there was clear evidence of bias in the hearing or original decision; or
- the non-academic misconduct procedures were not followed and the outcome of the case might have been substantially affected by this failure; or
- the severity of the sanction imposed reasonably exceeds the nature of the offence for reasons identified by the appellant; or
- the student provides evidence that (a) an emergency or unforeseeable circumstance occurred preventing her/his participation in the hearing and that (b) s/he was prohibited from providing a minimum of 24 hours notice to the Office of the Director, Housing and Conference Services or an appropriate designate such that the student was incapable of attending the interview or hearing. Note: This ground for appeal requires compelling and convincing evidence. A simple assertion of inability to attend will rarely be acceptable.

**NOTE: Mere dissatisfaction with the sanction imposed does not constitute grounds for an appeal.**

Within ten (10) working days* of receiving an appeal, the AVP (SSS) shall convene a CURB hearing and notify the student in writing of the date of the hearing.

The CURB can uphold the sanction, remove the sanction or adjust the sanction(s). The CURB may also recommend:

- An exceptional sanction (excluding the suspension or expulsion of a student from the University).

The decision will be relayed to the student in writing within five (5) working days* of the hearing, unless the decision can be made at the time of the hearing. The decision of the CURB will be final.

In circumstances involving behaviour by a Residence student which is deemed by the Department of Housing and Conference Services to threaten the safety and well-being of that resident or others in residence and which requires the termination of the resident’s Residence Contract, the decision to terminate the Residence Contract taken by the Director of Housing and Conference Services can be appealed in writing to the AVP (SSS) through that office.

The AVP (SSS), in consultation with the President, may uphold the recommendation and apply the sanction to the student, or apply a lesser sanction.
The decision will be relayed to the student in writing within seven (7) working days* of the decision of the Director of Housing and Conference Services to terminate the residence contract.

* Timeframes: Timeframes are subject to extension only as the result of exceptional circumstances, such as absence from the office for holidays or illness, family emergency, scheduled examinations, religious obligations, etc.

XI ADMINISTRATION OF THE STUDENT RIGHTS AND RESPONSIBILITIES POLICY

A) AUTHORITY AND AMENDMENTS
Amendments to the Student Rights and Responsibilities Policy must be recommended to the Director, who oversees in the administration and implementation of the Policy and changes must be authorized by the AVP (SSS). The Policy will be reviewed after twelve (12) months and every two (2) years thereafter and will include input from students, staff and faculty who are involved in the administration of the Policy.

B) PEER CONDUCT BOARD
There will be a group of sixteen (16) volunteer Peer Conduct Board members selected each year. Candidates will be in good academic and judicial standing. All PCB members receive the same training and will be split into two (2) separate boards. Each board will normally be composed of eight (8) students and will meet every two weeks. It is necessary to have at least three (3) board members in order for a case to be heard, unless the student agrees otherwise. There will be two (2) students selected to serve as chairperson of each of the Peer Conduct Boards. The role of Peer Conduct Board chairperson will be a paid position.

A delegate of the AVP (SSS) (excluding the Director) serves as advisor and administrator to the Peer Conduct Board.

C) CARLETON UNIVERSITY RESOLUTION BOARD HEARINGS
The Carleton University Resolution Board hearings will be the final appeal authority for students who are found in-violation of this Policy. The AVP (SSS) will serve as Chairperson of the CURB and will call meetings as necessary.

The Executive Assistant of the AVP (SSS) will serve as administrator for all CURB hearings.

D) STUDENT NON-ACADEMIC MISCONDUCT RECORDS
Records of charges and sanctions, other than suspension or expulsion, will not be placed in student academic records. Records of all decisions, including charges and sanctions, will be maintained as part of the confidential records maintained by the Director for a period of up to five (5) years after the student graduates or ceases to be a student.

Reports and statistics compiled by the Director on the nature and number of cases and outcomes, including sanctions, will not include identification of individual students. Records of charges that are dismissed will be sealed and kept for a period of eighteen (18) months after the incident date as per FIPPA regulations. This record will be destroyed after the eighteen (18) month period.

Appendix A – Co-Op Participation Agreement

Appendix B – Peer Conduct Board: Operating Procedures
Appendix C – Student-At-Risk Protocol

Appendix D – Carleton University Resolution Board: Composition and Procedures

Annex A – Treating Physician “Return To Campus” Questionnaire Form