

<b>Policy Name:</b>	<b>Student Rights and Responsibilities Policy</b>
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## **1. 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.

Carleton University is committed to ensuring 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.

Carleton University is also committed to the protection of the health, safety and well-being of all members of the University community. As such, the University will take all precautions to provide and maintain an educational, working, and living environment that is free of violence and harassment.

Membership in the University community entails responsibilities, including an obligation to deal ethically and fairly with other members of the community. 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 responsibilities.

The University has developed the Student Rights and Responsibilities Policy to uphold the educational, work and living environment of the Carleton community. This policy outlines the process for non-academic misconduct that jeopardizes the orderly functioning of the institution, and/or the health, safety, and well-being, human rights or property of its members.

## **2. PURPOSE**

The purpose of the Student Rights and Responsibilities Policy (the "Policy") is to ensure transparency and consistency in expectations for conduct, such that the pursuit of education and personal growth take place in a safe and welcoming environment. An educational approach to student behaviour seeks to encourage personal development while promoting reflection, to understand the impact of behavioural decisions on others including the community. The primary objective of the Policy is to provide a framework to resolve issues that impact the general well-being of all members of the community which is consistent with the overall educational goals, mission and values of our University.

The Policy will:

- Identify student rights and responsibilities.
- Identify behaviour that is considered non-academic student misconduct.
- Promote transparency, consistency and predictability in policies and procedures.
- Identify the pathways by which student non-academic misconduct decisions can be appealed.
- Ensure all members of the University community have access to the Student Rights and Responsibilities Policy.

## **3. SCOPE**

Upon enrollment to Carleton University, students are required to adhere to University policies and regulations and acknowledge the right of the University to address misconduct. This Policy applies to students and guests (as defined below), that are on Carleton property, engaging through Carleton University online platforms and/or attending a Carleton University event(s), whether they are in the University's educational, living or work environment, on or off campus, or interacting through social or other electronic media.

Further, this policy applies to students who engage in prohibited, abusive and/or inappropriate behaviour on the internet, social media or other electronic communications towards another member of the Carleton community, including guests, where there is a clear nexus to the University community. The Policy also applies to students who may be held responsible for the behaviour of their guests on campus and at University events, on and off campus.

The Policy outlines the University's expectations that community members act with a high level of responsibility in order to preserve a safe, respectful and inclusive academic environment and promotes the safety and well-being for the community, on and off campus.

In addition to this policy, there are a number of academic program, departmental and institutional policies that may apply to student behaviour. When a student engages in conduct that may be

addressed by more than one policy applying to student behaviour, the Manager of Student Conduct and Harm Reduction in collaboration with other offices will determine the most appropriate policy by which to adjudicate the incident.

Investigations under the Policy may be carried out prior to, simultaneously with, or following civil, criminal, or employment related proceedings at the discretion of the Office of Student Affairs in consultation with the Campus Safety Services. The outcome of any criminal or civil proceeding is not determinative of the outcome for the student's accountability under the Policy.

The University retains discretion to implement interim measures that are appropriate in the circumstances to support a safe campus environment and/or to safeguard the legitimate interests, of the University and the well-being of the campus community (ie., interim suspension, temporary trespass, no contact requirements, and restrictions on or loss of privileges). Such measures are without prejudice to the ultimate outcome of the process.

#### **4. PRINCIPLES**

Carleton has restorative and punitive processes administered by various units on campus (e.g., Equity & Inclusive Communities, Housing and Residence Life Services, and Carleton Athletics). Frequently, these offices address similar issues and work collaboratively to resolve disagreements or complaints. Regardless of the process, every student who has been alleged to be in violation of non-academic misconduct has the opportunity to discuss the case with Student Affairs.

The University is committed to ensuring that allegations of non-academic misconduct are dealt with fairly. This policy is guided by the principles of procedural fairness which 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.

#### **5. STUDENTS 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 permitted within the limits of established laws and University policies. (Requirements for business continuity and the policies that support them may be more restrictive than laws regarding peaceful assembly elsewhere).

### **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. To ensure procedural fairness while a formal complaint is underway, the Complainant, the Respondent and others who may have knowledge of the matter, including a support person, must maintain confidentiality in accordance with this Policy and not make public statements (for example: media, public and/or social media statements) that may jeopardize the proper handling of the matter. The confidentiality obligations do not prevent a person from seeking counselling, treatment, support services or from speaking to friends and family.

### **5. Right to Fair Process**

Carleton has a number of restorative and punitive processes administered by various units on campus (e.g., Equity Services, Residence Life, and Athletics). Frequently, these offices address similar issues and work collaboratively to resolve disagreements or complaints. Regardless of the process, every student who has been accused of non-academic misconduct has the opportunity to discuss the case with Student Affairs. The University will make available to every student an impartial process to hear allegations of misconduct brought against them. Every student who is alleged to have committed a non-academic offence has a right to know the case against them, and to present a defense. In particular, every student has a right:

- to be promptly informed in writing of the nature of the allegation or 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; 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 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. Ultimately, students are responsible for the behaviour of 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:

- Compliance with University policies and regulations, municipal bylaws, and provincial and federal legislation, including the Criminal Code of Canada;
- The peaceful and safe enjoyment of University property, Residence and facilities, and the conduct of University operations; 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.)

**All students have the responsibility to conduct themselves in a manner that is consistent with the core values embraced by the University and reflected in its various policies.**

### **7. Right to Representation**

Students have the irrevocable right to have a support person 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 support person at such inquiries or hearings.

## **6. STUDENT NON-ACADEMIC MISCONDUCT VIOLATIONS**

Students are expected to act responsibly and engage respectfully which reflects positively on Carleton students, the University and the broader community. Students who participate with another student in the commission of an infraction of this Policy will also be held liable for their actions.

At each stage of the student conduct process prior to an appeal, the responsibility of establishing that there has been a violation of the Policy will be with the University. For an appeal, the burden of proof is with the Appellant. The standard of proof for decision-makers is a balance of probabilities. This means that in order for a fact to be established, or responsibility to be assigned to an individual, the evidence must show that it is more likely than not the alleged conduct occurred.

Non-academic misconduct is outlined in the following list of violations. Any of the following activities constitute a violation under this Policy and as such are subject to the procedures and sanctions outlined. The following list of violations is not exhaustive and is intended to be illustrative. Where an act takes place and there are no established violation criteria, the Director, Student Care and Support, Mental Health & Conduct, at their discretion, shall utilize the framework in this Policy to identify appropriate remedies and/or sanctions.

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

### **1. Disruption**

No student shall:

- engage in disruptive conduct affecting any activity or service of the University, including its teaching, learning, work, and living environment or its members.

### **2. Unauthorized Use, Entry and/or Presence**

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.
- make, alter, use, receive or possess University supplies without proper authority. University supplies include but are not limited to equipment, keys, records, permits, letterhead, digital products, stationery and envelopes.
- enter into or remain in any private University property without proper authority or remain in any property when asked to leave by an officer of the University.
- knowingly invite or admit a guest who has been trespassed or restricted from the area or facility.

Reference the Student and Visitor Trespass from University Property at <https://carleton.ca/secretariat/policies/>.

### **3. Damage and Destruction of Property**

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. 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, network, or software, to access, 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 illegal, offensive, discriminatory, and/or harassing material;
- misuse or utilize bookable space for purposes, which are not academic in nature without the permission of library staff.

### **5. Failure to comply**

No student shall:

- fail to comply with University policies, procedures, regulations and directions;
- fail to comply with directions of University officials acting in the legitimate performance of their duties;
- fail to comply with applicable law, including federal, provincial laws and regulations as may be in force from time to time;

## **6. Failure to identify**

No student shall:

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

## **7. Mischief**

No student shall:

- obstruct, interrupt or interfere with the lawful use, enjoyment or operation of university property or;
- obstruct, interrupt or interfere with any person in the lawful use, enjoyment or operation of university property;
- engage in behaviour that is contrary to the reasonable expectations of the university community or interferes with the proper functioning of the University, including but not limited to behaviours such as public urination, public nudity, or the active disruption of University sanctioned events.

## **8. Verbal/Physical Abuses, Threatening Behaviour and Dangerous Activity**

No student shall:

- verbally, whether in writing, orally, electronically or via social media, threaten harm or incite hate to any member of the University community;
- physically abuse, threaten or cause any other member of the University community to reasonably fear physical abuse or for their safety;
- create a condition which endangers or threatens the safety or personal information or privacy of themselves or others.

## **9. Inciting Violence**

No student shall, on University property 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 or verbal 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.

## **10. Harassment**

No student shall:

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

## **11. Possession, Use or Distribution of False Identification, Documentation or University Branding**

No student shall:

- possess, distribute or use false Identification or altered identification;
- possess, produce, distribute, alter or use falsified official university, medical, or employment documentation;
- possess, utilize, produce, alter any official Carleton University branding, including but not limited to the university crest, logo, flag, coat of arms.



## **12. False or Vexatious Charges**

No student shall:

- knowingly bring a false or vexatious charge against any member of the University community.
- knowingly falsify an incident report on another student;

## **13. Misconduct Related to the Use of Alcohol and/or Other Substances**

No student shall:

- be intoxicated and disorderly in public on University property;
- be in possession of, furnish to anyone, or consume, illegal drugs or 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 Standards and Agreement and/or the University Alcohol and Cannabis Use Policy;
- be in possession of or consume alcohol anywhere on University property if under the age of 19 (nineteen) years;
- furnish alcoholic beverages to any person under the age of 19 (nineteen);
- consume, possess, attempt to purchase, purchase or distribute cannabis under the age of 19 (nineteen);
- consume cannabis on the University campus or property;
- sell cannabis, other than through the Ontario cannabis retailer;
- distribute cannabis that is sold, or that is intended to be sold, other than through the Ontario cannabis retailer;
- purchase cannabis from anywhere other than a licenced Ontario cannabis retailer;
- cultivate, propagate, or harvest, or offer to cultivate, propagate or harvest cannabis on University property;
- otherwise violate the University Alcohol and Cannabis Use Policy or the Residence Standards and Agreement.

***NOTE: Intoxication will not diminish responsibility for one's involvement in a violation of the Student Rights and Responsibilities Policy.***

## **14. Hazing**

No student shall:

- engage in "hazing" (see definitions)

## **15. 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;
- engage in theft of University property;
- use, possess, or distribute firearms, explosives, other weapons or dangerous chemicals on University property.

## **16. Contravention of the Student Rights and Responsibilities Policy and Procedures**

No student shall:

- 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;
- 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 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 Carleton University Resolution Board (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, Manager, or the CURB.

## **17. Contravention of Carleton's Policies**

No student shall:

- engage in activities that are prohibited under any of the University's Policies.

## **18. Contravention or misuse of Copyright Materials**

No student shall:

- distribute, sell or otherwise profit from copyrighted materials that are protected legally in Canada.

## **7. PROCEDURES FOR ADDRESSING STUDENT NON-ACADEMIC MISCONDUCT**

### **A) 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, athletics, co-operative education, human rights, sexual violence, alcohol or substance 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, Student Care and Support, Mental Health and Conduct, in consultation with the administrators of the other policies.

Any member of the Carleton community may file a complaint concerning a violation by a student (or guest) under this Policy with Campus Safety Services or the Office of Student Affairs.

Students are encouraged to seek advice from the Ombudsperson or other Support Person, in all matters related to non-academic misconduct, and may be accompanied by the Ombudsperson or a Support Person to any meetings related to non-academic misconduct.

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(s);
- upon request a verbal summary of pertinent evidence and particulars regarding the alleged offence (which may include summaries of Campus Safety Services reports);
- a copy of or access to this Policy, as well as specific copies of or access to other policies which are being cited to address the misconduct that has been alleged.

## **B) PROCEDURES FOR ADDRESSING VIOLATIONS**

A report is referred to the Office of Student Affairs by the University official/designate in whose jurisdiction the incident has occurred, or by Campus Safety Services.

The Director, Student Care and Support, Mental Health and Conduct, or designate, may:

- dismiss the matter and notify the complainant of the decision; or
- arrange to interview the student and, if satisfied that a violation has occurred, impose any sanctions listed below or other sanctions deemed to be relevant in the given circumstances.

Where a student does not appear at a scheduled interview or refuses to participate, a decision will be made in the absence of the student based on the information that is available at the time.

The intention of this Policy is for the process and each of its steps to be completed as expeditiously as practicable without compromising appropriate procedural fairness. The timelines mentioned in this Policy are meant to ensure that the matters are dealt with in a timely fashion. There may be, in compelling circumstances, reasons to extend a timeline. In such cases, where the request is in good faith and the extension does not prejudice or harm those involved in the complaint, extensions may be granted. It can be difficult to determine appropriate timelines for the resolution, investigation or a final disposition. Therefore, where no timelines are mentioned in this Policy, the intention is always to use a reasonable time period and to act as expeditiously as possible in light of the nature and complexity of the circumstances of the complaint and in light of other circumstances that may arise during the process that are beyond a party's reasonable control.

Students who have grounds for believing that they have been treated unfairly in the application of the sanction(s) under the Policy may appeal the decision of the Manager, Student Conduct and Harm Reduction to the Director, Student Care and Support, Mental Health and Conduct. The Director's decision may subsequently be appealed to the Carleton University Resolution Board. Students who have grounds for believing they have been treated unfairly in the application of a Trespass Order should follow the procedures for appealing a Trespass Order outlined in the Student and Visitor Trespass from University Property Policy. For further procedural details regarding appeals see Sec. 9 below.

## **8. SANCTIONS FOR NON-ACADEMIC MISCONDUCT**

### **A) SANCTIONS**

The Manager, Student Conduct and Harm Reduction may apply any combination of the following sanctions if, after reviewing all relevant and available information, the Manager is satisfied that non-academic misconduct occurred:

- Restriction from specific University facilities and/or computing services of the facility/department or unit related to the incident.

- Restriction from any food service, licensed facilities, or residence facility on campus related to the incident for a definite period of time.
- Restriction from employment, volunteer service, and leadership roles with the University.
- A verbal and/or written apology.
- A period of cumulative community service to the University community, not necessarily served consecutively.
- 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 Manager, Student Conduct and Harm Reduction.
- Completion of an educational program or project in addition to pre-existing academic obligations.
- Suspension from extra-curricular activities of the University community for a specified period time not to exceed one year (ie., Athletics, Orientation). 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.
- A behavioural contract that sets out expected behaviours, limitations, and obligations (ie., limited access to campus; limited contact (whether in person, digitally or written, with other members of the Carleton community) and/or educational sanctions, etc).

The Manager, Student Conduct and Harm Reduction may recommend the issuing of the following sanction(s) to the Director:

- An exceptional sanction including the recommendation of an immediate or post-dated suspension from academic studies as per the Student and Visitor Trespass from University Property Policy which may include exclusion from facilities of the University (in part or whole) for a specified or unspecified period of time.

## **B) INTERIM MEASURES**

The University reserves the right to bypass general non-academic misconduct procedures where immediate action is required including but not limited to:

- 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 health, safety, or well-being of an individual or 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;
- the continued presence of the student would be disruptive.

## **C) UNIVERSITY TRESPASS SANCTIONS**

As per the Student and Visitor Trespass from University Property Policy, the Vice-President, Students and Enrolment VP(SE) may issue a temporary trespass order. In the case of a permanent University-wide suspension and trespass order, issuance is by the Provost. In cases where the matter is urgent, a minimum of two members of the SARET (Student at Risk Evaluation Team) may recommend appropriate actions to the VP(SE). In such cases, the SARET members involved in the recommendation at their earliest opportunity, must make a report to the full SARET in support of the action taken. For operational purposes, the Director of Campus Safety Services or their designate can issue a 7 (seven) day temporary trespass order notice to students and non-affiliated members of the Carleton community. In such cases Campus Safety

Services must make a report to the full SARET in support of the action taken. Students who have grounds for believing they have been treated unfairly in the application of a Trespass Order should follow the procedures for appealing a Trespass Order outlined in the Student and Visitor Trespass from University Property Policy. The SARET's mandate and authorization is outlined within the Student-at-Risk Protocol (Appendix A).

**Upon imposition of a temporary trespass order, further actions, including the involuntary withdrawal of a student on a permanent basis, will be taken as per the procedures outlined within the Student and Visitor Trespass from University Property Policy.**

#### **D) 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 a student, Campus Safety Services will provide a full report of the incident to the AVP(SA) for the purpose of discussing the matter and ensuring that it is dealt with in the most appropriate manner before taking action. Campus Safety Services will report offences and investigations according to established procedures, to the Ottawa Police Service (OPS).

The AVP(SA) and the Director, Campus Safety Services 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(SA) 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.

### **9. STUDENT APPEALS**

Students are encouraged to seek support from a Support Person in all matters related to non-academic misconduct and may be accompanied by a Support Person to any meeting related to non-academic misconduct.

#### **A) APPEAL OF STUDENT RIGHTS AND RESPONSIBILITIES (SRR) SANCTIONS (Manager)**

Students may appeal a decision rendered by the Manager, Student Conduct and Harm Reduction within ten (10) calendar days of receiving the decision. This appeal is to be submitted in writing to the Director and must include on what grounds the appeal is being made. Students may further appeal the decision of the Director to the Carleton University Resolution Board (CURB) within then (10) calendar days of receiving the Directors decision by writing to the AVP(SA) (please see Appendix B)

The right to an SRR appeal is not automatic and an appeal will only be considered if it meets the following requirements:

- relevant new evidence emerges which was not available at the time of the original decision;
- there was clear evidence of bias in the hearing or original decision;
- there was a fundamental procedural error in the making of the final decision and that such error has caused or will cause actual prejudice to the student seeking the appeal;
- the severity of the sanction imposed unreasonably 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 their participation in the hearing and that (b) they were as a result incapable of providing a minimum of 24 hours' notice to the office of the designated hearing

officer 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.**

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 meeting with the student will be established. The Director may uphold the sanction(s), remove the sanction(s) or adjust the sanction(s). The decision will be relayed to the student in writing within five (5) calendar days\* of the meeting, unless the decision can be made at the time of the meeting.

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

#### **B) APPEAL OF TRESPASS SANCTIONS**

Students may appeal in writing the decision to impose a temporary or permanent trespass order, including the grounds of the appeal, as per the Student and Visitor Trespass from University Property Policy.

For the full scope of the Trespass Policy, please consult the Student and Visitor Trespass from University Property Policy available on the University Secretariat website.

#### **C) APPEAL OF SARET DECISIONS**

(Please see Appendix A)

### **10. 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 AVP(SA), who oversees the administration and implementation of the Policy and the Senior Management Committee (SMC) must authorize changes.

#### **B) CARLETON UNIVERSITY RESOLUTION BOARD (CURB) HEARINGS**

The CURB hearings will be the final appeal authority for students who are found in violation of this policy. The AVP(SA) will serve as Chairperson of CURB and will call meetings as necessary.

The Case Management Support Officer of the AVP(SA) will serve as administrator for all CURB hearings.

#### **C) STUDENT NON-ACADEMIC MISCONDUCT RECORDS**

Records of charges and sanctions, other than academic violations (ie., suspension or expulsion), will not be placed in student academic records. Records of all decisions, including sanctions, will be maintained as part of the confidential records maintained by the Director for a period of up to five 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.

**Related Polices** may be found at: <https://carleton.ca/secretariat/policies/>

- Alcohol and Cannabis Policy
- Athletics Code of Conduct
- Carleton University Human Rights Policies and Procedures
- Co-Op Participation Agreement
- Carleton Copyright Policy
- Freedom of Speech Policy
- Housing and Residence Life Agreement and Standards
- Sexual Violence Policy
- Student and Visitor Trespass from University Property Policy
- Workplace Harassment Prevention Policy
- Workplace Violence Prevention Policy

## 11. DEFINITIONS

**Appeal:** the process whereby students challenge a decision made as a result of the student conduct process.

**Associate Vice-President, Student Affairs:** the AVP(SA) is the individual who oversees the Office of Student Affairs and is responsible for the administration of this Policy. The AVP(SA) is the chair of the CURB and SARET and hears all appeals for decisions made by the student conduct process. They may make determinations and/or recommendations under this policy independently.

**Carleton University Resolution Board (CURB):** the committee described in Appendix “B” to this policy. CURB is the final committee to which students may appeal decisions made pursuant to this policy. The CURB is chaired by the AVP(SA) 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(SA).

**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.

**Complainant:** The person initiating the complaint, where applicable.

**Director, Student Care and Support, Mental Health and Conduct (the Director):** Individual who oversees the Manager, Student Conduct and Harm Reduction and advises on all recommendations made to SARET; recommends Trespass from Property Orders to the AVP(SA), chair of SARET.

**Guest:** individual 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 property.

**Harassment:** is conduct (including innuendo) that is abusive, demeaning, threatening, vexatious, or intimidating, or involves the misuse of authority or power. Such conduct exceeds the bounds of freedom of expression or academic freedom. Complaints of harassment will be addressed under the Carleton University Human Rights Policies and Procedures or other work harassment/violence prevention policies as appropriate.

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

**Meeting/Hearing/Interview:** 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.

**Host:** a student who has a guest on University property.

**Interim Measures:** are temporary measures put in place to protect the safety and well-being of the parties and/or the community during the process. Interim measures may be implemented at any time during the process and pending a final decision.

**Instructor:** 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.

**Manager, Student Conduct and Harm Reduction:** the primary non-academic misconduct case manager for Carleton University. Also oversees the harm reduction and other educational programming related to the Policy and other relevant policies.

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

**Policy:** the written regulations of the University as found in, but not limited to, this Policy, the Residence Agreement and Standards, Athletics Standards, Co-operative Education Regulations and Carleton University policies available on-line through the University Secretariat's website.

**Respondent:** a student who is alleged to have engaged in prohibited conduct.

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

**Student** means:

- a) a person who is currently registered in a course of study;
- b) a person engaged in any academic work which leads to the recording and/or issuance of a mark, grade or statement of performance by the appropriate authority of the University or another institution, including those institutions who are hosting Carleton students on international exchange;
- c) a person who is entitled to a valid student card, who is between sessions and who is entitled to use University facilities.

**Student at Risk Evaluation Team (SARET):** a committee made up of university administrators and professionals who are responsible for evaluating and directing responses to students who may be at risk of harm to themselves or the community or are otherwise incapable of functioning academically.

**Support Person:** a person who supports a student in the student conduct process, arranged by the student. The support person's role is not to act or speak on behalf of the student. They may guide the student through the process, help the student formulate questions, and help the student understand the Policy. The Support Person may be a friend, family member, peer, faculty, or university staff (ie. Ombudsperson). The support person cannot be a witness – or party to the conduct at issue.



**Support Services:** include, but are not limited to, Equity & Inclusive Communities and the Centre for Indigenous Initiatives, the Academic Advising Centre, Paul Menton Centre, the University Ombuds Office, Office of the Registrar, Health and Counselling Services, Campus Safety Services, Awards Office, Housing & Residence Life Services, Student Affairs, 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.

**Trespass Order:** As per the Student and Visitor Trespass from University Property Policy, Carleton reserves the right to issue trespass orders that may be temporary or permanent in duration, which deny the affected individual access to all University lands, equipment, facilities, services, activities, programs, meetings or events or those held by, on, or any such activities that are in association with the University. For the full scope of this policy please consult the Student and Visitor Trespass from University Property Policy available on the University Secretariate website.

**University:** refers to Carleton University and all its holdings and property, on and off campus, including those leased or rented, or otherwise under its control.

**University Official/Officer of the University:** 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 Campus Safety Services.

**University Sponsored Event:** an event sanctioned or supported by Carleton University on University property 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:** a complaint made 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.

**Vice-President (Students and Enrolment):** VP(SE) is designated by the University President as responsible for the overall oversight and administration of this Policy.

**Violation:** a form of misconduct identified in the list of offences in the Student Responsibilities Policy.

## **APPENDIX A: STUDENT-AT-RISK PROTOCOL**

### **1. PREAMBLE**

The Student-At-Risk Protocol is an appendix to the Student Rights and Responsibilities Policy. Together, both documents establish a procedural framework that aims to facilitate and support a positive learning, working and living environment.

The Student Rights and Responsibilities Policy is designed to set out the privileges and responsibilities of students and the University in relation to alleged violations that take place on University property and in some off-campus situations. In particular, the violations outlined within the Student Rights and Responsibilities Policy provide clarity regarding what behaviour is appropriate and not appropriate and how these behaviours will be addressed within an established framework.

The Director of Student Care & Support, Mental Health & Conduct has overall leadership for the Student Rights and Responsibilities Policy, and both the Director and the Manager, Student Conduct and Harm Reduction are provided the authority under the policy to assign sanctions for non-academic misconduct violations.

The Student-At-Risk Protocol sets out a framework for senior University officials and health professionals to interact in a team setting in order to rapidly and effectively identify and coordinate responses to a student's behaviour that is outside to the scope of the violations outlined with the Student Rights and Responsibilities Policy.

Specifically, this behaviour must have already been demonstrated, or have the potential to physically, emotionally, or psychologically harm the student that is exhibiting the behaviour, and/or the safety and well-being of members of the larger University community. It should be noted in certain circumstances, a student's actions may be addressed by both the Student-At-Risk Protocol and all related policies listed in section 10 C) of the Student Rights and Responsibilities Policy. However, it is anticipated that these situations will be exceptional.

Overall leadership for the Student-At-Risk Protocol is the responsibility of the AVP(SA).

### **2. SCOPE**

Types of actions or behaviours that are to be considered within the framework of the Student-At-Risk Protocol include, but are not limited to:

- Students who disclose suicidal thoughts to one or more individuals, or who have demonstrated a higher risk of acting (frequency, severity, risk, behaviours) on thoughts of suicide;
- Students who carry out or threaten to carry out an act of self-harm;
- Students who make threats, or carry out actions that are perceived as threats, which if acted upon could seriously harm one or more members of the University community.
- Students involved in criminal activity, violence, harassment and/or other unacceptable behaviours that may affect the safety and well-being of members of the Carleton community;
- Students who are exhibiting concerning behaviours related to a serious mental illness, mental wellness or an ability to take care of oneself and whose behavior is putting

themselves or other members of the University community at risk, or whose behavior has the potential or threatens to put themselves or other members of the University community at risk or whose medical or mental health condition prevents them from functioning safely within the academic community.

The Student-At-Risk Protocol is based on the latest best practices and research, is consistent with Ontario and federal privacy legislation, and positions Carleton University to be able to respond rapidly and appropriately in response to students that are at risk to harming themselves or others.

In no way is the Student-At-Risk Protocol intended to infringe upon a student's right to free speech or other inherent rights.

In addressing a student-at-risk, the University has the right and responsibility to make decisions to protect the safety and well-being of that student and/or other members of the University community, from any of the behaviors described in this section.

### **3. GUIDING PRINCIPLES**

Carleton University is committed to support the success of all students, including those with significant mental health issues. Towards this end, Carleton University will:

- Acknowledge but not stigmatize mental health problems;
- Make suicide prevention a priority;
- Encourage students to seek help or treatment that they may need and provide appropriate support and referrals;
- Ensure that personal information is kept confidential as stipulated by FIPPA and PHIPA;
- Allow students to continue their education by making reasonable accommodations and;
- Refrain from discrimination against students in crisis.

### **4. IDENTIFICATION AND ASSESSMENT**

Students-at-risk will be identified through any number of individuals or organizations across the University community. Through the Student-At-Risk Protocol, the University has established a framework that facilitates the identification and coordination of students-at-risk through to the Student at Risk Evaluation Team (SARET).

While any individual (faculty member, student, administrative staff), or organization (e.g., Library Services, the Business Office, the Registrar's Office, Carleton Athletics) can initially identify a student who is potentially at-risk, the primary responsibility for the initial assessment of such a student is with those University departments that have the primary function of student and employee safety and/or health and wellness and well-being.

These departments include:

- Campus Safety Services
- Equity and Inclusive Communities
- Health and Counselling Services
- Housing and Residence Life Services
- Human Resources
- Paul Menton Centre
- Student Affairs

Upon being notified of a potential student-at-risk, or in instances where they interact with such a student directly, the above-mentioned departments are responsible for bringing the actions of the student to the attention of the AVP(SA), Chair of SARET, as per the following criteria:

- On an as-soon-as possible basis where there is the appearance of a *high risk, severe or chronic* situation that may trigger the university's duty to warn and to take action to protect the student-at-risk and/or others.
- Where there is the appearance of a lower risk situation, but there is a concern that the action or behaviour may be repeated and some form of response may be required.

All student information is protected by FIPPA and information is shared following FIPPA guidelines. The University will always act with the safety and well-being of the individual as the priority.

Under no circumstances should this Protocol prevent or delay a University official from taking appropriate and immediate actions to address an emergency situation that is confronting them as individuals, or their place of business. Officials should first address the emergency situation using established protocols and training and then refer the student-at-risk according to this Protocol.

**Student at Risk Evaluation Team (SARET):** The SARET will be employed to provide a coordinated response to students-at-risk and will meet on a regular or as needed basis for this purpose. The SARET will include several professionals including representatives from the Campus Safety Services, Health and Counselling Services, Housing and Residence Life Services, Paul Menton Centre, Registrar's Office, Student Affairs, and other University departments on an as needed basis.

Note that in certain circumstances, the ability to define the level of threat may be beyond the expertise of the SARET. In this type of situation, a student may be required to undergo an external assessment with specialists independent of the university.

## 5. SARET RESPONSES

The SARET may take a range of preventative or supportive actions in response to a student-at-risk. When necessary, these actions may be developed in consultation with health professionals outside of Carleton's Health and Counselling Services.

- 1) Actions that may be applied in lower risk situations include, but are not limited to:
  - Ongoing *monitoring* of the student's well-being
  - Referrals to optional/voluntary support services (ie., counselling);
  - Referrals for assessment;
  - Behavioural contracts;

For the purpose of this Protocol, the term *monitoring* refers to efforts on the part of University Departments to continue to offer services to a student-at-risk, while providing pertinent information to the Director of Student Care and Support, Mental Health and Conduct (Director), or their delegate, so that the Director is well placed to support the student if necessary, and is able to accurately update the SARET.

- 2) Actions that may be applied in higher risk, severe or chronic situations may include, but are not limited to:

- non-association/no contact directives;
- the suspension of student privileges (ie., Residence facilities, no access to athletic facilities);
- limited access to University property a (ie., evening trespass);
- a Registration Hold from Academic studies;

## **6. REGISTRATION HOLDS**

In circumstances where a student is experiencing a mental health illness or significant behavioural challenges or risk of harm and cannot meet academic standards even with accommodations and other supports, the AVP(SA), or in their absence AVP(EM), on the recommendation of SARET, may impose a Registration Hold from Academic Studies. A Registration Hold from academic studies may also be imposed if the SARET determines that there is a significant risk that a student will harm themselves and/or others. Where a Registration Hold is applied, such action will be communicated to the Registrar's Office and any other appropriate offices or departments across campus.

In cases where a student is to be trespassed from University property either temporarily or on a permanent basis and is no longer permitted to take classes at the University, the SARET will employ the *Student and Visitor Trespass from University Property Policy* to inform and guide its decisions and processes.

### **Appealing for the Removal of Registration Holds from Academic Studies**

- 1) Following the imposition of a Registration Hold from Academic Studies, along with the student's appeal, the SARET may require the student to provide some or all of the following information in order to assess, change or remove a student's Registration Hold:
  - formal documentation (i.e., the Carleton University *Treating Physician Return to Campus Questionnaire – Appendix "B"*) from the student's physician, (i.e. psychologist, psychiatrist, physician or counsellor) indicating that the student is complying with treatment and is able to resume their studies and/or live in the Residence community;
  - current police records check and/or criminal matters and judicial matters check;
  - professional letters of reference;
  - evidence that all current outstanding disciplinary sanctions have been addressed;
  - a third party release that enables University officials to speak with the student's treating medical professional(s), or other support persons, about their health status, well-being and ability to function in an academic and/or residence environment.
- 2) At any time during its review to remove a Registration Hold from Academic Studies, the SARET may require the student to provide additional documentation from treating medical professional(s) or other individuals as required.
- 3) Upon the AVP(SA) determining that a student's Registration Hold from Academic Studies will be removed, the Director, or a designate from the SARET, will be responsible for monitoring and supporting the student's return to campus. In permitting a student to return to their studies, the SARET may require the student to complete a Behavioral Contract or a similar type of agreement prior to returning to their studies. The Director, or the SARET designate will be responsible for reporting the student's status to the SARET on an ongoing basis.

### **Financial Reimbursement – Registration Hold from Academic Studies**

In the event a student is withdrawn from their studies after the University's financial withdrawal date, financial reimbursement may be considered on a case-by-case basis by the SARET and the Financial Appeals Committee.

### **7. APPEALS OF THE SARET**

Appeals of final decisions rendered under the Student-At-Risk Protocol will be considered by the Vice-President Students and Enrolment VP(SE). An appeal must include the grounds of the appeal and must be submitted to the VP(SE) within ten (10) calendar days of the notification of the condition(s) placed on the student by the SARET.

Appeals may be made in the following circumstances:

- there was clear evidence of bias;
- the severity of the conditions placed on the student exceeds the nature of the behaviour for reasons identified by the student.

Note: Where evidence emerges that was not available to the SARET at the time of its original deliberation, such appeals will be referred back to SARET for further review and decision.

Within ten (10) calendar days of receiving an appeal, the student will be notified by the VP(SE) if the decision of SARET is upheld, if the decision has been adjusted or changed, or if the appeal is being referred back to SARET for further review.

The decision of the VP(SE) will be final.

\* 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.

### **8. AUTHORITY**

Amendments to these procedures must be recommended to the Associate Vice-President, Student Affairs.

**APPENDIX B:  
CARLETON UNIVERSITY RESOLUTION BOARD: COMPOSITION AND PROCEDURES**

**1. PURPOSE**

The Carleton University Resolution Board (CURB) is the appellate body for decisions of the Director of Student Care and Support, Mental Health and Conduct for decisions made under the Student Rights and Responsibilities (SRR) policy, and appeals of decisions made by the AVP Athletics & Recreation, Director of Housing and Residence Life Services and the Director of Co-operative Education. The decision of the CURB is final.

**2. COMPOSITION AND MEMBERSHIP**

- CURB is chaired by the AVP(SA) and consists of four members; one faculty member, one staff member, one student, and the chairperson.
- The Case Management Support Officer of the AVP(SA) serves as the administrator at all CURB hearings but does not vote.
- The student member of the CURB must be in good academic and judicial standing.
- No member may continue on the CURB if found responsible for conduct which would constitute an offence under the SRR policy, or whose conduct would bring disrepute to the CURB.
- The CURB shall always sit with three (3) voting members to reach quorum.
- To avoid actual or perceived bias to the greatest extent possible, students who serve in **executive** roles of organizations that require general election of membership will not be permitted to serve on CURB (i.e. The Rideau River Residence Association Executive, the Carleton University Student Association, the Graduate Student Association, and the Carleton Academic Student Government).

**3. SELECTION FOR THE CURB ROSTER**

- The Office of the AVP(SA) will select CURB members based on recommendations received through a call for nominations via University communication channels, and through recommendations received by from the Clerk of Senate and student support offices, including the Office of Student Affairs.

**4. RIGHTS AND DUTIES**

- Ensuring the policies and procedures of the Student Rights and Responsibilities Policy, the Athletics Code of Conduct, the Residence Standards and Agreement and the Co-op Participation Agreement are followed.
- Participating fully and impartially in the CURB hearings.
- Ensuring confidentiality is maintained with regards to all hearings at all stages, with regard to all information. (Note: While a hearing may be public should a student request this, members of CURB must be sensitive to the perception of confidentiality in all cases and should, as a general rule, refrain from discussing any information obtained in the course of their work.).
- Members who are in a conflict of interest must recuse themselves from a CURB hearing as soon as the conflict is known.

- As a general rule, hearings will be closed and will be kept in strictest confidence.
- Notes will be kept in the Office of the AVP(SA) of all meetings and all correspondence related to the meeting, except those notes of the student and the student's Support Person.
- Where necessary, hearings will be adjourned to ensure that essential information can be obtained and will be reconvened within one week.

## **5. PROCEDURES**

Where the application of this SRR policy appears to conflict with other policies, the AVP(SA) in consultation with the administrators of the relevant policies shall determine resolution of the conflict.

## **6. CONDUCT OF HEARINGS**

Hearings will be as informal as possible but will follow the principles of procedural fairness including providing:

- Reasonable and proper notice as defined by this Policy to the parties involved of the nature and source of the alleged misconduct;
- A hearing (whether in person, virtual or through review of written submissions) by an impartial body;
- The opportunity for students to be accompanied by a Support Person (as defined in the Student Responsibilities Policy).
- Notice will be provided to students that hearings will be conducted in their absence where the student fails to appear at a scheduled hearing. At the time of invitation to attend a hearing, students may negotiate a date for the hearing other than the date originally proposed, as long as the hearing may occur within a reasonable time frame. Students will be provided with notification of the outcome of the hearing within five (5) calendar days\*of the hearing where the decision cannot be immediately reached.
- The Chair of the CURB will seek to obtain consensus, but in the absence of consensus after careful deliberation, will call a vote and the decision of the majority will be adopted.
- Participating CURB members may not abstain from a vote.
- All decisions of the CURB will be considered unanimous.
- Rules of evidence required in civil and criminal hearings shall not apply. Evidence that is irrelevant shall be excluded.