

## WESTERN UNIVERSITY CODE OF STUDENT CONDUCT

**Effective Date:** April 25, 2019

**Supersedes:** May 3, 2001; May 6, 2004; Nov. 26, 2009; Nov. 25, 2010; June 25, 2015, April 26, 2018

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### **A. Introduction and Purpose**

1. The purpose of the Code of Student Conduct is to define the general standard of conduct expected of students registered at Western University, provide examples of behaviour that constitutes a breach of this standard of conduct, provide examples of sanctions that may be imposed, and set out the complaint procedures that the University will follow.
2. Western University is a community of students, faculty and staff involved in learning, teaching, research, and other activities. The University seeks to provide an environment of free and creative inquiry within which critical thinking, humane values, and practical skills are cultivated and sustained. It is committed to a mission and to principles that will foster excellence and create an environment where its students, faculty, and staff can grow and flourish.
3. Upon registration, students accept the rights and responsibilities associated with membership in the University's academic and social community. Students are responsible for observing a standard of conduct that will contribute to the University's mission and that will support an environment conducive to the intellectual and personal growth of all who study, work and live here. This responsibility includes respecting the rights, property, and well-being of other members of the University community and visitors to the campus and not engaging in conduct that could reasonably be seen to endanger or adversely affect the health, safety, rights, security or property of the University, its members and visitors. The academic and social privileges granted to each student are conditional upon the fulfillment of this responsibility and students must familiarize themselves with the University regulations and the conduct expected of them while registered at the University.
4. The University expects students to set for themselves the highest standards of behaviour off-campus, including behaviour conducive to the peaceful and safe enjoyment of housing by both students and neighbours. The University does not condone behaviour that infringes upon the rights of the University's neighbours or that brings the University's good name into disrepute.
5. Students are reminded that they are equally responsible for observing the standard of conduct set out in this Code when using any means of electronic or digital communication to send, share, or post messages, images, or other material, including the use of social media sites.

**B. Definitions**

In this Code:

1. “Dean” is the Dean of the student’s Faculty of Registration or designate, or in the case of a graduate student, the Vice-Provost (Graduate and Postdoctoral Studies) or designate.
2. “Faculties” includes the School of Graduate and Postdoctoral Studies.
3. “Student” is an individual registered at the constituent University in a course or program of studies.
4. “Premises of the University or its Affiliated University Colleges” includes lands, buildings and grounds of the University and its Affiliated University Colleges and other places or facilities used for the provision of the University’s courses, programs or services.
5. “University Program, Event or Activity” is a program, event or activity, whether on or off-campus, that is hosted, sanctioned, sponsored, or organized by the University and includes, but is not limited to, coursework, research, and other academic activities, placements, student exchange programs, study abroad, internships, co-ops, field trips, social events, and volunteer and community service activities.

**C. Jurisdiction**

1. This Code applies to:
  - (a) conduct that occurs on the Premises of the University or its Affiliated University Colleges
  - (b) conduct that occurs during or in connection with a University Program, Event or Activity, including an on-line component of a University Program, Event or Activity.
  - (c) off-campus conduct,
    - (i) when the individual is acting as a designated representative of the University or a student organization or when the individual holds out that he or she is a representative of the University or a representative or member of a student group, team, or organization at the University; or
    - (ii) that has, or might reasonably be seen to have an adverse effect on, interfere with, or threaten the proper functioning of the University, its mission, the rights of a fellow student or other member of the University community to use and enjoy the University’s learning and working environments, or that raises concerns for the health, safety or security of any individual who is on campus or participating in a University Program, Event or Activity; or
    - (iii) where the conduct occurs at a program, event or activity not hosted, sanctioned, sponsored, or organized by the University that because of the nature of the program, event or activity and/or the number of students involved, might reasonably be seen to have a direct or indirect association with the University.

In determining whether or not to exercise jurisdiction over off-campus conduct, the Vice-Provost (Students) or designate will consider the seriousness of the alleged conduct, the risk of harm involved, whether the victim(s) are members of the campus community and/or whether the off-campus conduct is part of a series of actions that occurred both on and off the Premises.

- (d) any other on-line conduct where such conduct has, or might reasonably be seen to have an adverse effect on, interfere with, or threaten the proper functioning of the University, its mission, the rights of a fellow student or other member of the University community to use and enjoy the University's learning and working environments, or that raises concerns for the health, safety or security of any individual who is on campus or participating in a University Program, Event or Activity.
2. Graduate students are subject to the provisions of this Code except when acting in their capacity as Graduate Teaching Assistants.
3. Subject to the provisions of the Affiliation Agreement between the University and its Affiliated University Colleges, students registered at the Affiliated University Colleges are expected to conform to the standards of this Code while on University property or while participating in a University Program, Event or Activity. Only the Affiliated University Colleges may discipline their students for conduct that would constitute a violation of this Code; however, where circumstances warrant, the University may also take measures to restrict such a student's entry onto University property, use of University facilities, or participation in a University Program, Event or Activity.
4. Any student found responsible for misconduct is subject to the disciplinary sanctions of this Code, regardless of the action or inaction of civil authorities. Nothing in this Code precludes the University from referring an individual matter to the appropriate law enforcement agency either before, during, or after disciplinary action is taken by the University under this Code. A student may be subject to criminal prosecution and/or civil proceedings notwithstanding, and in addition to, disciplinary action taken by the University against the student under this Code.

### **D. Relationship to Other University Policies and Codes**

1. If a student's conduct could be considered a breach of this Code and also a breach of the Policy on Scholastic Discipline, the University, in its discretion, may proceed under the Code or under the aforesaid Policy. A student may not be penalized under both the Code and the Policy on Scholastic Discipline for the same conduct.
2. Other than as set out in subsection D.1, no penalties or restrictions imposed under other University policies, rules, codes, or regulations (e.g., regulations relating to use of computing resources, regulations established by various units of the University including Intercollegiate Athletics, Western Libraries, the Division of Housing and Ancillary Services [Residence Contract], and Western Campus Recreation) shall bar or prevent the University from also instituting disciplinary proceedings and imposing sanctions under this Code. In such event, the Vice-Provost (Students) or designate shall consult the relevant unit head before taking additional disciplinary action.

### **E. Examples of Prohibited Student Conduct**

The following list sets out examples of prohibited conduct. It is not intended to be exhaustive or exclusive. Any conduct that breaches the standard of conduct set out in subsection A.3 may be subject to discipline under this Code.

#### **1. Disruption or Interference**

- (a) Disrupting or obstructing by action, threat or otherwise, any University or Affiliated University College activity, including a University Program, Event or Activity, or other authorized activities on Premises of the University or its Affiliated University Colleges, or the right of another person to carry on his/her legitimate activities, or to speak or to associate with others. University or Affiliated University College activities include, but are not limited to, teaching, research, studying, sports and recreation, administration and meetings.

## CODE OF STUDENT CONDUCT

- (b) Interfering with, obstructing, disrupting, misleading, or failing to comply with the directions of, any University official or emergency personnel (e.g. Western Special Constable Service, fire, ambulance response) acting in the performance of their duties.

Note: Nothing in this Code should be interpreted as prohibiting peaceful assemblies, demonstrations, lawful picketing, or inhibiting lawful freedom of expression.

### 2. **Misconduct Against Persons and Dangerous Activity**

- (a) Any assault, harassment, intimidation, threats or coercion.
- (b) Conduct that threatens or endangers the health or safety of any person.
- (c) Contravention of the University's *Non-Discrimination/Harassment Policy*.
- (d) Contravention of the University's *Policy on Sexual Violence*.
- (e) Knowingly (which includes when one should reasonably have known) creating a condition that endangers the health, safety, or well-being of any person regardless of consent.
- (f) Engaging in conduct that is, or is reasonably seen to be, humiliating or demeaning to another person, or coercing, enticing or inciting a person to commit an act that is, or is reasonably seen to be, humiliating or demeaning to that person or to others (e.g. hazing) regardless of consent.

### 3. **Misconduct Involving Property**

- (a) Unauthorized entry and/or presence on any Premises of the University or its Affiliated University Colleges, or any premises used for University Programs, Events or Activities.
- (b) Misappropriation, damage, unauthorized possession, defacement, vandalism, and/or destruction of premises or property of the University or its Affiliated University Colleges, or the property of others.
- (c) Use of University or Affiliated University College facilities, equipment or services contrary to express instruction or without proper authority or permission, as required.
- (d) Misuse of University or Affiliated University College supplies and documents, including equipment, library and computer resources, keys, records, transcripts and permits.
- (e) Interfering with, obstructing, or tampering with emergency telephones, fire protection equipment or emergency equipment or facilities (e.g., fire doors, fire bells, fire extinguishers, fire hoses); disconnecting or blocking fire alarms; setting unauthorized fires; raising a false fire alarm; blocking or wedging open fire and smoke doors on corridors or stairways.

### 4. **Misrepresentation or False Information**

- (a) Furnishing false information.
- (b) Forging, altering or misusing any document, record, card or instrument of identification. This applies to any identification or information, including Western ONECard, access cards, key cards, transcripts.

### 5. **Alcohol and Drug Use**

- (a) Illegal use, possession or distribution of a controlled or restricted substance.
- (b) Contravention of provincial liquor laws or the policies of the University or Affiliated University Colleges governing the possession, distribution and/or consumption of alcoholic beverages on the premises of the University or its Affiliated University Colleges.

### 6. **Improper Use of Dangerous Objects and Substances**

Storage, possession or use of firearms, explosives, or other weapons (including any item that can reasonably be perceived to be a weapon by others, e.g. replica guns, airsoft guns), flammable solvents, biohazardous, volatile or poisonous materials, except in areas formally designated for that purpose by authorized University personnel.

7. **Contravention of University Regulations**  
Violation of any published or posted University policy, rule or regulation.
8. **Contravention of Other Laws**  
Contravention of any provision of the Criminal Code or any other federal or provincial statute or municipal by-law.
9. **Aiding in the Commission of a Prohibited Act or Attempting to Commit a Prohibited Act**  
Aiding or encouraging others in the commission of an act prohibited under this Code or attempting to commit an act prohibited under this Code.
10. **Failure to Comply**  
Failure to comply with any sanction imposed by the University under this Code.

## F. Complaint Procedures

### Overview:

Allegations that a student's conduct may be a violation of this Code should be submitted to the Vice-Provost (Students) as soon as possible following the discovery of the alleged violation. The Vice-Provost (Students), or an individual designated by the Vice-Provost (Students), is authorized to respond to complaints/reports of possible misconduct, make final determinations as to whether there have been breaches of the Code, and impose sanctions. Students may appeal those decisions and sanctions in accordance with the appeal process set out in this Code.

Allegations of misconduct shall be reviewed, investigated, and decided in a timely manner. Where appropriate, informal measures shall be used to resolve minor incidents of misconduct. As part of the review process, the Vice-Provost (Students) or designate will meet with, seek assistance from, and/or consult with any member of the University community or individuals outside the University community with particular knowledge of the alleged incident or those involved, and may consult or seek assistance from appropriate University officials in resolving a complaint.

Unless the Dean has been designated by the Vice-Provost (Students) to deal with the complaint, the Dean shall be notified of formal Code proceedings and kept informed throughout the process. If the Vice-Provost (Students) or designate concludes that there has been a breach of the Code, he or she shall consult with the Dean on possible sanctions.

### Procedures:

1. Upon receipt of a complaint/report the Vice-Provost (Students) or designate will review the allegations and, if they fall within the jurisdiction of the Code, may attempt to resolve the matter informally or may proceed to initiate formal Code proceedings.
2. The Vice-Provost (Students) or designate may consult with the Dean in determining whether the matter should be dealt with informally, and may refer the matter to the Dean for informal resolution. In the event the matter cannot be resolved informally, the Vice-Provost (Students) or designate may initiate formal Code proceedings.
3. If the Vice-Provost (Students) or designate initiates formal Code proceedings, the student against whom a complaint/report has been filed shall be informed in writing of the nature of the allegations and the facts alleged against him/her. The Dean shall be informed of the decision to initiate formal Code proceedings.

4. The student shall be given a reasonable opportunity to respond to the allegations and to submit relevant information. The student shall also be given a reasonable opportunity to meet personally with the Vice-Provost (Students) or designate to discuss the matter. It is the responsibility of the student to provide all materials and information that will support his/her position.
5. If the Vice-Provost (Students) or designate concludes that there has been a breach of this Code, he/she may, after consultation with the Dean, impose an appropriate sanction or sanctions.
6. If the student does not respond to the allegation or does not meet with the Vice-Provost (Students) or designate after having been given a reasonable opportunity to do so, the Vice-Provost (Students) or designate may proceed to make a final decision and impose a sanction without such a response or meeting.
7. At all meetings with the Vice-Provost (Students) or designate the student may be accompanied by support person of his or her choosing.
8. The Vice-Provost (Students) or designate may request another staff member to be present at the meeting. In such cases, the student will be notified in advance of the meeting of who will be in attendance and the reason for their attendance.
9. The decision of the Vice-Provost (Students) or designate, with reasons, shall be communicated in writing to the student. A copy of the decision will be kept in the Office of the Vice-Provost (Students) and will be shared with other units/Faculties on a need-to-know basis (e.g. Office of the Registrar, Western Special Constable Service, Dean). In some circumstances the complainant or other person affected by the student's conduct may be advised of the outcome.
10. The Vice-Provost (Students) is responsible for the implementation of any decision made under the Code.
11. The Vice-Provost (Students) or designate may continue Code proceedings notwithstanding that a student withdraws from the University prior to a final decision. Where a student's conduct comes to light after a student has left the University, the Vice-Provost (Students) may decide to proceed with the review and disposition of a complaint, if the seriousness of the allegation warrants such action.

### **G. Sanctions**

The University may impose one or more sanctions for a breach of this Code, of which those listed below are examples. Sanctions imposed shall be proportional to the type of misconduct. The most serious types of misconduct will merit the most serious sanctions: suspension and expulsion. Prior breaches of the Code may be taken into account in determining an appropriate sanction.

In considering an appropriate sanction, the University's primary focus must be to ensure the safety and security of the University, its members, and visitors. However, where possible and appropriate, the University will consider educational sanctions in addition to or instead of other sanctions. Such sanctions are designed to help a student understand why his or her behaviour was inappropriate and to appreciate the impact of that behaviour on others.

Sanctions include:

1. **Written Warning or Reprimand.**

2. **Educational Sanctions.** Such sanctions include apologies, educational programs, activities and assignments, University or community service, restorative justice, individual assessment and counselling.
3. **Behavioural Contract.** A set of behavioural expectations, terms, and conditions that is developed with and signed by the student. With their signature, the student agrees to the expectations, terms, and conditions and acknowledges that any breach of the contract may result in more serious sanctions.
4. **Exclusion from a class, examination room, or other area.** (Note: In this context, “class” refers to a period of instruction such as a lecture, seminar, tutorial, laboratory session, recital, concert or exhibition of visual arts or sports event.)
5. **Removal,** either temporarily or permanently, from a course in which the student is registered.
6. **Restriction or Denial of University Services or Privileges.** The lost privileges may include, but are not limited to, parking privileges, unrestricted access to the library, access to athletic facilities, and access to and participation in extra-curricular activities.
7. **No Contact Order.** Requirement that a Student have no direct or indirect contact with a specific individual or group.
8. **Prohibition** or limitation of employment at the University.
9. **Prohibition** or limitation on entering University premises or specific parts thereof including academic/research facilities and laboratories.
10. **Restitution.** Requirement that restitution be made to another individual or the University for any loss or damage to personal or University property.
11. **Forfeiture** of University awards or financial assistance.
12. **Disciplinary Probation.** A designated period of time during which the student is required to adhere to the terms of the probation which may include restrictions of student privileges and/or set behavioural expectations, violation of which will result in the imposition of further sanctions.
13. **Suspension** from the University for a specified time period. Conditions for readmission may be specified.
14. **Expulsion** from the University.

### **H. Disruption of Instructional or Administrative Activities: Short Term Removals**

1. Disruption of instructional activities, including examinations, initially may be dealt with by the appropriate instructor or proctor as a matter of classroom discipline. The instructor or proctor may require the student to leave the area for the remainder of the particular class or examination and shall report the incident immediately to the relevant Chair/Dean.
2. Academic or administrative unit heads (or designates) may require a student to leave an office or other facility if the unit head (or designate) believes on reasonable grounds that the student's continued presence in that area will be detrimental to good order or will constitute a threat to the safety of others. The incident shall be reported immediately to the Vice-Provost (Students) or to Western Special Constable Service.

**I. Interim Measures**

**1. Notice of Trespass**

Western Special Constable Service, in circumstances in which they reasonably believe that there are grounds to make an interim prohibition order as set out in subsection 2 below, may temporarily exclude a student from campus for up to 10 days by delivering a Notice of Trespass under the *Trespass to Property Act*.

**2. Interim Prohibition**

The Vice-Provost (Students) or designate may impose an interim prohibition pending an investigation and disposition of a complaint/report of misconduct. Interim prohibition may be imposed only: (a) if needed to ensure the safety and well-being of members of the University community or preservation of University property; (b) if needed to ensure the student's own physical or emotional safety and well-being; or (c) if there is a reasonable apprehension that the student poses a threat of disruption or of interference with the normal operations of the University.

During a period of interim prohibition, a student may be denied access to the campus or to specified campus facilities (including classes) and/or any other University activities or privileges for which the student might otherwise be eligible, as the Vice-Provost (Students) or designate may determine to be appropriate. Within two working days following the imposition of interim prohibition, the student shall be informed in writing of the reasons for the prohibition. The student shall be afforded the opportunity to respond to the allegations being made against him or her. If the student responds, the Vice-Provost (Students) or designate will reassess the prohibition and either revoke or continue it pending formal disposition of the matter.

**J. Notices**

Notices and other written communications under this Code may be delivered in-person, by email or by mail (campus, regular priority, courier, or registered). Mail service will be deemed effective on the fifth day after mailing for regular mail, and on the fourth day for campus mail. Emails shall be sent to the student's Western email account. Documents sent or delivered off-campus will be sent to the student's home address recorded in the student's electronic record at the University unless the student expressly requests that the documents be sent to another address.

**K. Transcripts and Registration**

1. Suspension and expulsion are recorded on the official transcript. The suspension notation will be removed when the student graduates or five years after the last registration. The expulsion notation is permanent unless the President grants a petition for its removal. Any such petition may be made no sooner than five years after the offence. Removal of the expulsion notation from the transcript does not overturn the expulsion decision; the expulsion remains in effect.
2. While under investigation for serious misconduct that may result in suspension or expulsion, the student will not be issued transcripts directly, but, at the student's request, transcripts will be sent to institutions or potential employers. If the student is subsequently suspended or expelled, the recipients of the transcript will be issued a revised transcript. This restriction also applies in situations where the student is no longer enrolled at the University during the investigation.

**L. Appeals**

1. A student may appeal a finding of misconduct to the University Discipline Appeal Committee (UDAC) on one or more of the following grounds:
  - (a) that there was a serious procedural error in the hearing of the complaint which was prejudicial to the appellant;
  - (b) that new evidence, not available at the time of the earlier decision, has been discovered, which casts doubt on the correctness of the decision;
  - (c) that the Vice-Provost (Students) or designate did not have the authority under this Code to reach the decision or impose the sanctions he/she did.
2. In addition to the grounds set out in subsection L.1, if the sanction is forfeiture of University awards or financial assistance, suspension, or expulsion, a student may appeal the finding of misconduct and/or the sanction(s) to UDAC on the ground that the decision and/or sanction was unreasonable or unsupportable on the evidence before the Vice-Provost (Students) or designate.
3. Filing an Appeal Application will not stay the implementation of any sanctions imposed except where the Chair of UDAC otherwise orders upon application of the appellant.
4. UDAC may:
  - (a) Deny the appeal.
  - (b) In the case of an appeal under paragraph L.1(a) or (b), grant the appeal and direct the previous decision maker to re-hear the matter or reconsider some pertinent aspect of its decision, and may include recommendations relating to the conduct of any re-hearing.
  - (c) In the case of an appeal under paragraph L.1(c), grant the appeal and quash the original decision.
  - (d) In the case of an appeal under subsection L.2, grant the appeal and quash or vary the original decision or grant the appeal and vary the sanction.
5. The right to be represented by counsel will be accorded to the principal parties to the appeal at this level. UDAC also reserves the right to retain and be represented by counsel.
6. The parties must bear all their own legal expenses, if any. UDAC will not order the University to pay all or part of the appellant's costs nor will it order the appellant to pay all or part of the University's costs.

**Composition of UDAC**

7. The Board of Governors shall appoint a Chair and 15 members of UDAC: 7 members of faculty and 8 students (5 undergraduates and 3 graduate students).
  - (a) No more than two of the faculty members shall be from the same Faculty. Undergraduate students shall be appointed from a broad range of Faculties and no more than two of the graduate students shall be from the same Faculty.
  - (b) The Chair shall be appointed annually by the Board of Governors.

- (c) The terms of appointment shall be: faculty, three years; students, one year. Members are eligible for reappointment to a maximum of six continuous years (excluding therefrom a partial term served under (d) below), but shall be eligible for reappointment after a lapse of two years.
- (d) Members may be appointed for shorter terms in order to fill vacated positions.
- (e) An appeal will be heard by a panel of UDAC. The size and composition of the panel shall be determined by the Chair provided that a panel always includes at least one student, at least one faculty member, and the Chair.
- (f) In instances where the Chair is unable to act, he or she may designate a member to act as Chair. In the event that the Chair is unable to appoint a designate, the Senior Policy and Operations Committee of the Board of Governors shall appoint a Chair *pro tem*.
- (g) When a duly constituted panel of UDAC commences to hear a matter, the membership terms of those members present at the commencement of the hearing are automatically extended until UDAC renders its final decision in the case in question.

### **Procedures**

- 8. An Appeal Application must be filed with the Secretary of the Board of Governors within two weeks after a decision has been issued by the Vice-Provost (Students) or designate. The Application must contain a copy of the decision, the grounds for the appeal, the outcome sought, a full statement supporting the grounds for the appeal, the name of legal counsel or agent, if any, and any relevant documentation in support of the appeal. Where the basis of the appeal is new evidence, such new evidence shall be described clearly and the names of any witnesses shall be provided.
- 9. An Appeal Application will not be accepted by the Secretary of the Board of Governors if incomplete or not filed within the time period specified in section 8 above. Exceptions to the time limit for filing an appeal are at the discretion of the Chair of UDAC upon written application of the student. Appeal Application forms and further details on hearing procedures may be obtained from the University Secretariat.
- 10. Parties to an appeal are the student against whom the decision has been made (Appellant) and the Vice-Provost (Students) or designate (Respondent).
- 11. The Secretary of the Board of Governors shall provide the Respondent with a copy of the Appeal Application and attachments. The Respondent shall file a concise written response to the Appeal Application with the University Secretariat within ten days of receiving the documents. A copy of the response shall be provided to the Appellant and the Appellant shall be given an opportunity to file a reply within ten days of receipt of the Respondent's response.
- 12. Upon receipt of an Appeal Application, the Secretary of the Board of Governors shall:
  - (a) notify the Chair of UDAC;
  - (b) constitute a Panel of at least 2 members and the Chair; and
  - (b) schedule the initial meeting of the Panel.

## CODE OF STUDENT CONDUCT

13. Subject to the requirements set out herein, the Panel shall determine its own procedures and practices in any appeal and the Chair may make such rules and orders as he or she deems necessary and proper to ensure a fair and expeditious proceeding. The Panel is bound by neither strict legal procedures nor strict rules of evidence. It shall proceed fairly in its disposition of the appeal, ensuring that both parties are aware of the evidence to be considered, are given copies of all documents considered by the Panel, and are given an opportunity to be heard during the process.
14. The Panel may summarily dismiss an appeal if the Appeal Application does not, in the judgment of the Panel, raise a valid ground of appeal or does not assert evidence capable of supporting a valid ground.
15. The Panel may, in its discretion, hold an oral hearing or make its decision solely on the basis of written material filed by the parties, provided that it shall hold an oral hearing if a party satisfies it that there is good reason for doing so.
16. The Panel shall determine whether an oral hearing shall be open to the public or held *in camera*. At the discretion of the Chair, other members of UDAC may attend the *in camera* meetings as observers.
17. While an attempt shall be made to schedule an oral hearing at a time convenient to the Panel and the parties, a request by a party for a lengthy delay in the scheduling of the hearing, or a postponement of a scheduled hearing, will be granted by the Chair only in exceptional circumstances. Oral hearings will ordinarily be held within six weeks of filing of the Appeal Application.  
  
In the case of an oral hearing, if the Secretary of the Board of Governors is unable to contact the Appellant within a reasonable time to schedule a hearing, the Appellant will be notified at the address on the Appeal Application of the deadline by which he/she must contact the Secretary of the Board of Governors to arrange a hearing. If the Appellant has not contacted the Secretary of the Board of Governors by the specified deadline, the appeal will be deemed to be abandoned and may not be resubmitted.
18. Each party to an oral hearing shall be sent a Notice of Hearing setting out the time, place and purpose of the hearing. If a party does not attend, the Panel may proceed in the party's absence.
19. Each member of a Panel, including the Chair, shall vote. There shall be no abstentions. A majority of positive votes is required to grant an appeal.
20. The Chair of a Panel may waive any time limits specified herein or in any procedures adopted by a Panel in a given proceeding.
21. The Secretary of the Board of Governors, or the Secretary's designate, shall provide administrative support and procedural advice to Panels.
22. The decision, with reasons, shall be filed with the Secretary of the Board of Governors and copies shall be sent to the parties. The Vice-Provost (Students) will notify relevant units/Faculties of the decision on a need-to-know basis.

**Further Appeal**

23. Within two weeks of receipt of the reasons for decision, either party may appeal to the President on the grounds that there was a serious procedural error by UDAC that was prejudicial to the party. The President may designate another individual to hear the appeal.
24. The appeal must state the full grounds upon which the party relies and all arguments in support thereof. The President or designate may invite written submissions from the other party and/or the Chair of UDAC before making his or her decision. He or she may dismiss the appeal, grant the appeal and order that the matter be re-heard, or make such other disposition of the matter as he/she deems appropriate, and will provide reasons for his or her decision. The decision of the President or designate is final.

**M. Annual Report**

The Vice-Provost (Students) shall report annually to the Board of Governors summarizing the categories of misconduct, the range of sanctions, the number of appeals to the University Discipline Appeal Committee, and the outcome of such appeals. The report will be posted publicly by the University Secretariat.

**N. Review of Code**

The Board of Governors shall review the Code every five years.

Enacted by the Board of Governors May 3, 2001  
Amended May 6, 2004  
Amended November 26, 2009  
Amended November 25, 2010  
Amended June 25, 2015  
Amended April 26, 2018  
Amended April 25, 2019