

# Code of Student Behaviour and Disciplinary Procedures

Policy Category: Student Related

Approved By: Senate and the Board of Governors

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## Preamble

As stated in An Act Respecting Lakehead University (1965), the objects and purposes of the University are:

- i. the advancement of learning and the dissemination of knowledge; and
- ii. the intellectual, social, moral and physical development of its members and the betterment of society.

Lakehead University is dedicated to learning and the advancement of knowledge. The University expects and requires of its students behaviour compatible with its high standards of scholarship and conduct. By accepting admission to Lakehead University, every student accepts its policies and regulations and acknowledges the right of the University to take disciplinary action, including suspension or expulsion, for conduct judged unsatisfactory or disruptive and not in accordance with the principles of this preamble. Freedom to learn can be preserved only through respect for the rights of others, for the free expression of ideas, and for the law. University discipline is limited to behaviour incompatible with those standards and which adversely affects the University's attainment of its purposes and objectives.

The Code of Student Behaviour and Disciplinary Procedures (hereinafter, Code) is intended to ensure consistency and fairness for every student in the University through the consistent application of the procedures for the adjudication of cases of student academic and non-academic misconduct. Students shall not engage in or encourage any activity or action that is contrary to the principles expressed herein. All individuals

and/or groups of the Lakehead University community are expected to speak and act with scrupulous respect for the human dignity of others, both within the classroom and outside it, in social and recreational as well as academic activities.

Jurisdiction over violations of this Code includes actions on University premises, at University sponsored events, or elsewhere when a substantial, identifiable interest of the University is concerned.

Lakehead University will not tolerate any form of harassment or discrimination on the basis of the following prohibited grounds: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, visible or not visible disability, age, marital status, family status, the receipt of public assistance and record of offences or other grounds as may be established in accordance with the Ontario Human Rights Code. In addition, it will not tolerate acts of assault, intimidation or personal harassment against individuals or groups because they express different points of view. The University encourages the free exchange of ideas and opinions, but insists that the free expression of views must be made with respect for the human dignity and freedom of others. Complaints of discrimination or harassment will be handled in accordance with the [Harassment & Discrimination Policy & Procedures](#) found on the Human Resources website.

Students and their organizations shall conduct their activities in a manner compatible with the commitment of the University to maintain an intellectual and cultural environment conducive to personal development and critical awareness, and in compliance with the laws of Canada and Ontario, and University policies and regulations. Action taken under this Code does not preclude the University from notifying the appropriate authorities and initiating other actions in accordance with the laws of Ontario and/or Canada. This Code shall not be construed to prohibit peaceful assemblies, demonstrations, or free speech.

## **ARTICLE I**

# Examples of Misconduct

The following are examples of misconduct. They are not intended to define misconduct in exhaustive or exclusive terms and should be construed broadly. The following actions, or any actions that violate the principles of the preamble to this document, violate University standards of conduct, as do attempts to commit any actions that violate these principles.

## 1. Academic Misconduct

Academic misconduct includes, but is not limited to:

- i. Plagiarism (see University Regulation IX of the Calendar for definition), including, but not limited to, submitting a work of which the student is not the author, in whole or in part, whether written, oral or in any other form (except for duly cited quotations or references). Such work may include a thesis, an academic paper, a seminar presentation, a test, an examination, a laboratory or technical report;
- ii. cheating of any kind;
- iii. presenting research data that have been falsified or concocted in any way;
- iv. attributing a purported statement of fact or reference to a source that has been concocted;
- v. submitting the same piece of work or a significant part of that work for more than one course, or a thesis or other work which has already been submitted elsewhere, without written authorization of the instructors concerned and/or of the academic unit concerned;
- vi. falsifying an academic evaluation, misrepresenting an academic evaluation, using a forged or falsified academic record or supporting document, or facilitating the use of a falsified academic record or supporting document;
- vii. undertaking any other action for the purpose of falsifying an academic evaluation;
- viii. disruption of academic activities during a class or component of a course.

**Note:** Students are also subject to the academic requirements of their respective programs and should refer to any additional regulations governing their Faculty and/or

Department/School. Students enrolled in the Northern Ontario School of Medicine (NOSM) should refer to the NOSM Code of Student Conduct for policy and procedures concerning professional misconduct, including academic dishonesty and plagiarism.

## 2. Non-Academic Misconduct

Non-academic misconduct includes, but is not limited to:

- i. hazing for the purpose of pledging, initiation, admission into, affiliation with, or as a condition for maintaining membership in a group, organization, or team. "Hazing" is defined as any intentional, knowing or reckless act, whether on or off campus, which endangers the mental or physical health or safety of any person, regardless of consent, or which violates public law or University policy. Hazing includes, but is not limited to (a) any physical brutality such as whipping, beating, striking, paddling, branding, placing of a harmful substance on the body, or similar activity; (b) any physical activity such as sleep deprivation, exposure to the elements, confinement, callisthenics, or other activity that subjects a student to risk of harm, or that adversely affects the mental or physical health or safety of the student; (c) any activity involving consumption of food, liquid, alcoholic beverage, drug, or substance that subjects a student to risk or harm, or that adversely affects the mental or physical health or safety of a student; (d) any activity that intimidates or threatens a student with ostracism, subjects a student to extreme mental stress, shame or humiliation, or adversely affects the mental health or dignity of a student, or that may reasonably be expected to cause a student to leave the organization or institution rather than submit to acts described above; (e) coerced sexual activity; and (f) any activity in which a person solicits, plans, encourages, directs, aids, or attempts to aid another in hazing or intentionally, knowingly, or recklessly permits hazing to occur and/or knowingly fails to report the incident;
- ii. abuse, sexual misconduct, threats, intimidation, harassment, stalking, coercion and/or other conduct (malicious or otherwise) which submits any person to indignity, or unreasonable pain or discomfort, or threatens or endangers the physical or mental health or safety of any person on University premises or at University functions. "Sexual Misconduct" is defined as any unwanted sexual exploitation, which may include but is not limited to, non-consensual sexual intercourse and non-consensual sexual contact. Examples of sexual harassment may include, but are not limited to, unwanted physical contact,

unwanted attention, unwelcome demands for dates, leering, inappropriate staring, displays of sexually offensive images or graffiti, repeated and vulgar sexual comments, distribution of pornographic material, inappropriate gender-related comments, unwelcome remarks about a person's appearance, solicitation of sexual favours, demands for sexual favours, implied or express promise of reward or benefit in return for sexual favours, and implied or express threat or act of reprisal if sexual favours are denied. (Refer to the [Harassment & Discrimination Policy & Procedures](#) found on the Human Resources website);

- iii. interference, obstruction or disruption of teaching, field and/or community placements, practicums, research, administration, disciplinary proceedings, or other University activities, including public service functions, and other authorized activities;
- iv. theft from or deliberate damage to University premises or theft of or deliberate damage to property of a member of the University community on University premises;
- v. possession of University property or property of any member of the University community without the consent or authority of the University or the rightful owner;
- vi. unauthorized possession and/or consumption of alcoholic beverages;
- vii. disruptive behaviour including, but not limited to, physical violence, aggression, refusal to cooperate with any University staff member performing his or her duties, destruction of property, or violation of any other section of the Code of Student Behaviour and Disciplinary Procedures;
- viii. manufacture, sale, delivery, possession, or use, in any amount, of any controlled substance (e.g. drug, chemical, or product), and/or possession of drug paraphernalia, except as permitted by law;
- ix. failure to comply with directions of members of the University administration or of authorized university personnel acting in the proper performance of their particular duties;
- x. failure to comply with the directions of members of the Lakehead University Security Services acting in the proper performance of their duties;
- xi. unauthorized access to or use of University space, facilities, or equipment;
- xii. unauthorized alteration or deliberate misappropriation of records, data, software, or official information of the University or of any of its members;
- xiii. violation of published rules governing the use of the Library (The Library [Code of Conduct](#) can be found on the University's Library website);

- xiv. breach or misuse of the Code of Computing Practice (A copy of the Code of Computing Practice may be found under *General Policies* on the University website);
- xv. violation of published rules governing University residences (Rights and Responsibilities related to residence life can be found under the *Community Standards* link on the Residence website);
- xvi. violation of published University policies or regulations or provincial or federal law.

## ARTICLE II

### Sanctions Defined

Possible sanctions include, but are not limited to:

**Admonition.** Notice to the student, orally or in writing, that he/she has violated University rules and that continuation or repetition of the conduct found wrongful, within a period of time stated in the warning, may be cause for more severe disciplinary action.

**Censure.** Written reprimand for violation of a specified regulation, including the possibility of a more severe disciplinary sanction in the event of conviction for the violation of any University regulation within a period of time stated in the letter of reprimand.

**Disciplinary Probation.** Exclusion from participation in privileges or extracurricular University activities as set forth in the notice of disciplinary probation for a specified period of time.

**Fine.** A financial penalty levied for a violation of the Code.

**Compulsory Service.** Requirement for unpaid service based on violation of the Code.

**Restitution.** Reimbursement for damage or misappropriation of property.

Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.

**Submission of a zero on a course component.** Submission of a zero for an examination, test, or other component of a course. This is the minimum penalty sanctioned under the Code for a student found guilty of plagiarism or cheating.

**Submission of a zero for a final grade.** Submission of a zero for a final course grade in academic misconduct cases.

**Suspension.** Exclusion from classes or activities of the University, or from the University itself, for a defined period of time as set forth in the notice of suspension.

Suspension sanctions may range as follows:

- suspension from attendance at certain, or at all activities associated with a particular course (for example, lectures, laboratories, seminars, field placements, etc.); or
- suspension from attendance at all activities associated with all courses in a Department/School, or Faculty; or
- suspension from attendance at all activities associated with all courses in the University;
- suspension from attendance at all activities (academic and non-academic, both on and off campus) associated with the University.

In cases where a student is suspended from all activities associated with all courses in the University, or is suspended from the University itself, a notation of "Suspension" will be recorded on the student's official transcript. It is the student's responsibility to request in writing to the Registrar to have the annotation removed after two years from the end of the academic year in which the suspension was imposed.

**Expulsion.** Permanent termination of student status in a particular course, Department/School, or Faculty, or at the University. Expulsion from the University

requires the approval of the President. The student's official transcript will be updated with "Expelled", which will remain as a permanent annotation.

Expulsion sanctions may range as follows:

- expulsion from a particular course; or
- expulsion from all or certain courses in a particular Department/School or Faculty; or
- expulsion from the University.

**Note:** A trespass notice may be issued in conjunction with any level of suspension or expulsion.

**Rescission of degree, diploma or certificate.** There may be circumstances when the University discovers that there was some academic misconduct or fraud involved in meeting program requirements, and consequently, the awarding of a degree, diploma or certificate. In exceptional circumstances such as these, the University may rescind the degree, diploma, or certificate.

## ARTICLE III

### Enforcement Procedures

1. Any faculty member, staff member, or student of the University can file in writing an incident report documenting a complaint against a student of the University for misconduct. Prior to filing an incident report for academic misconduct, the instructor shall contact the student to set up a meeting to discuss the complaint. The incident report shall be filed with an appropriate Judicial Officer (as listed in III.2 below) within 20 working days after the incident has come to the attention of the complainant. Please note that time limits may be extended as set out in Article V.1 of this Code. (*"Working days" are defined as Monday to Friday inclusive, but excluding University closures.*)

2. Following are Lakehead University's Judicial Officers:



(a) At the Thunder Bay campus:

- the Faculty Deans primarily for complaints about behaviour related to academic misconduct or disruption of any academic activities in their respective Faculties;
- the Executive Director of University Services primarily for complaints about student behaviour concerning property or security offences;
- the Manager of Residence and Conference Services primarily for complaints about student behaviour occurring in all residence facilities;
- the Chief Librarian primarily for complaints about behaviour occurring in the library or concerning property of the library;
- the Director of Athletics primarily for complaints about behaviour related to athletics;
- the Director of Technology Services Centre primarily for complaints about the misuse of University technology;
- the Vice-Provost (Student Affairs) for all other complaints about student behaviour.

(b) At the Orillia campus:

- the Dean of the Orillia campus primarily for complaints about behaviour related to academic misconduct or disruption of academic activities;
- the Assistant Vice-President (Administration and Finance) or the Assistant Dean (Student Affairs) for all other complaints about student behaviour.

In addition, the President or the Vice-President (Academic) and Provost can appoint a person to serve in an acting capacity in the absence of any of the above-named Judicial Officers. Furthermore, the President has the authority to amend the list of Judicial Officers from time to time as administrative changes occur.

3. Pending an investigation under III.4, any Judicial Officer may suspend a student temporarily if, in the opinion of the Judicial Officer, the safety of others is endangered, damage to University property is likely, or the continued presence of the student would be disruptive.

4. A Judicial Officer shall inform a student of a complaint against him/her within 10 working days after the incident report bearing the complaint has been filed with the Judicial Officer. The Judicial Officer shall ascertain the facts surrounding it and shall afford the student a reasonable opportunity to be heard regarding any relevant evidence about the facts. Having satisfied himself/herself of the validity or non-validity of the complaint, the Judicial Officer shall within 20 working days of informing the student of the complaint:

- dismiss the complaint; or
- uphold the complaint and apply an appropriate sanction or sanctions. The Judicial Officer shall document the details of the sanction along with the reasons for the decision to apply the sanction. A copy of this shall be filed with the Vice-Provost (Student Affairs) and the Office of the Director of Risk Management and Access to Information. The student shall be informed by the Judicial Officer, in writing, of the right to appeal, and the process that will be followed. The Judicial Officer shall ensure the sanction is carried out.

In situations where expulsion from the University is considered to be warranted, the Judicial Officer shall:

- document the reasons for the decision to apply the sanction, and;
- forward a copy of these, along with the written recommendation, within 10 working days of receiving the complaint, to the President.

The President shall review the documentation and advise the Judicial Officer of his/her decision within 10 working days of receiving the recommendation. If the President does not approve the recommendation, the President shall so advise the Judicial Officer, and the Judicial Officer shall then have a further 10 working days to apply an alternate sanction following the procedures outlined in Article III.4. In such a circumstance, the timelines shall be deemed to have been modified so as to permit this action.

If the President approves the recommendation for expulsion, the President shall notify the Judicial Officer in writing to proceed with the sanction. The Judicial Officer shall forward a letter to the student notifying the student of the expulsion, the reasons for the

decision, the right to appeal, and the process that will be followed. A copy of the letter shall be filed with the Vice-Provost(Student Affairs) and the Office of the Director of Risk Management and Access to Information. The Registrar shall be notified for the purpose of updating the academic record.

When a Judicial Officer concludes that a complaint warrants the rescission of a degree, diploma or certificate, the Judicial Officer shall:

- document the reason(s) for the recommendation to rescind, and;
- forward a copy of the recommendation and reason(s) to the President within 10 working days of receiving the complaint.

The President, acting under the authority of Senate, is the only individual with the authority to rescind a degree, diploma, or certificate. The President shall review the documentation and forward a decision to the appropriate person(s) within 15 working days of receiving the recommendation.

If the President does not approve the recommendation, the President shall forward the rationale for the decision to refrain from rescinding the degree, diploma, or certificate back to the Judicial Officer and the case shall be dismissed.

If the President approves the recommendation, the President shall send a letter to the former student at the student's last address known to the University, providing notification of the rescission, the reasons for the decision, the right to appeal, and the process that will be followed. A copy of the letter shall be filed with the Vice-Provost (Student Affairs) and the Office of the Director of Risk Management and Access to Information. The Registrar shall be notified for the purpose of updating the academic record.

## **ARTICLE IV**

### **Appeal Tribunals and Procedures**

## **Section A: Judicial Panel**

1. There shall be a Judicial Panel composed of 15 persons of whom eight shall be tenured members of the faculty of the University and seven shall be full-time students (not being officers, nor Judicial Officers, of the Lakehead University Student Union and not being full-time employees of the Student Union) and shall be in third year or later of University studies. Judicial Officers, as defined in III.2, shall not be eligible to serve on the Judicial Panel.
2. The members of the Judicial Panel shall be appointed in each year by the Board of Governors or its Executive Committee as follows:
  - Faculty members on the recommendation of the President of Lakehead University;
  - Student members on the recommendation of the President of the Lakehead University Student Union.
3. The members of the Judicial Panel shall at its first meeting in each academic year elect a Chair from the faculty members by majority vote.

## **Section B: Forming the Appeal Tribunals**

1. Four appeal tribunals shall be established and each shall consist of three members of the Judicial Panel of whom two shall be faculty members and one shall be a student member. Three students shall serve as alternates to be called upon as necessary.
2. Membership of each tribunal shall be decided by lot to be drawn in advance by the Chair of the Judicial Panel.
3. The Chair of the Judicial Panel shall designate one faculty member on each panel to serve as Chief of the Appeal Tribunal.

## **Section C: Commencing the Appeal**

1. Any student sanctioned by a Judicial Officer or other authorized person may appeal the decision by delivering a written notice outlining the grounds for appeal to the Director of Risk Management and Access to Information within 15 working days of being informed about the sanction. Grounds for appeal are 1) Substantial procedural error; 2) Significant new information relative to the case that was not available through diligence prior to the decision; and, 3) An excessive sanction.

2. Within five working days of receipt of an application for appeal, the Chair of the Judicial Panel shall assign the appeal to a tribunal. Within five working days of the assignment of the appeal, the Appeal Tribunal shall begin to hear the case.

3. No person who is biased against either the complainant or the defendant shall act as a member of a tribunal. Any allegation of bias shall be made before commencement of the hearing of the appeal. The Chief of the Appeal Tribunal shall determine the validity of an allegation of bias.

#### **Section D: Conducting the Appeal Hearing**

1. The Chief of each appeal tribunal shall regulate the conduct of the proceedings.

2. In conducting a hearing, an appeal tribunal may proceed by way of a statement agreed to by both parties, failing which the tribunal will proceed with a full hearing.

3. Each of the parties to a hearing may be accompanied by one other person, who may be counsel or simply a supportive friend or colleague.

4. The following persons shall have standing to make representation before an appeal tribunal and, in the case of a full hearing, to examine and cross-examine witnesses:

- the Judicial Officer or other authorized person who applied the sanction, or his/her counsel or agent;
- the student or his/her counsel or agent.

5. Under ordinary circumstances, hearings of the Appeal Tribunal shall be public. Upon the request of any of the affected persons, the Appeal Tribunal may decide, by majority vote, to conduct a closed hearing. A closed hearing shall be allowed only when it can be shown that protection of the interests of the affected person(s), or the public interest, outweighs the desirability of conducting a hearing in public.

6. In the case of a full hearing, either party to the proceedings before the Appeal Tribunal may call witnesses and cross-examine witnesses called by another party. A majority of the Tribunal may limit the number of witnesses or amount of cross-examination where further evidence or cross-examination will be repetitive or irrelevant.

7. The Appeal Tribunal shall have control over its own procedures. The Appeal Tribunal may address questions to any witness in the pursuit of clarification or fairness.

8. The Appeal Tribunal is empowered to affirm or dismiss the appeal or to reduce but not to increase the sanction. In the case of a decision that affirms the appeal or reduces the sanction, the Tribunal shall provide instructions detailed enough to ensure that the decision is given full effect. The Appeal Tribunal's decision and instructions shall be final and binding.

9. The decision of a majority (two affirmative votes) shall be the decision of the Appeal Tribunal. In the absence of a majority decision, the decision of the Chief of the Appeal Tribunal shall be the decision of the Appeal Tribunal.

10. i) Within ten working days of the Appeal Tribunal reaching a decision, the Chief of the Appeal Tribunal shall, by hand delivery or by registered mail, submit a report in writing of the Tribunal's decision to the parties involved in the hearing, and to the President. ii) If any of the parties involved in the hearing requests the reasons for the decision, they shall be incorporated into the Appeal Tribunal's report or delivered separately within five working days thereafter.

## **ARTICLE V**

## **Administrative Procedures**

1. In the administration of this Code, strict compliance with time requirements specified in this Code may be dispensed with, as necessary, in the interests of fairness and justice.
2. The Office of the Vice-Provost (Student Affairs) and the Office of the Director of Risk Management and Access to Information, shall store records related to actions taken under the Code.
3. In cases of academic misconduct, the Registrar shall be notified of the disciplinary decision for purposes of updating the student's record and for providing an annual summary report to Senate on academic misconduct at the University.
4. The President shall report to the Senate and the Board of Governors an annual summary of the number of appeals made to sanctions under the Code. The report shall include the number of cases related to academic and non-academic misconduct, and the number of cases where the sanction was a) upheld, b) overturned, and/or c) amended.