

**Code of Student Conduct  
(non-academic)**

**Hearing Process**

**Laurentian University**  
**March, 1999**

## 1.0

### Hearing Process

#### 1.0.1 Code of Student Conduct Clerk:

The Code of Student Conduct Clerk shall:

- launch the process to recruit a group of individuals (pool);
- coordinate the arrangements for the Hearing Panel and the Appeal Committee process, if necessary;
- hold the files for Code of Student Conduct Complaints;
- ensure the compliance of sanctions imposed on the student(s).

#### 1.0.2 The group of individuals (pool) shall be drawn from student associations sixteen (16) according to the following formula:

- S.G.A. ten(10) (at least two (2) from Huntington University and two (2) from Thorneloe University);
- A.E.F. four (4) (at least two (2) from University of Sudbury);
- A.L.P.S. one (1) and;
- G.S.A. one (1) as designated by the individual associations;
- Administration (sixteen) (at least two (2) from each of the Federated Universities);
- Faculty (eight) (at least one (1) from each of the Federated Universities) and;
- Staff (eight) (at least one (1) from each of the Federated Universities).

When choosing the Pool members, gender, language and culture must be taken into account. At least one (1) member must be of Aboriginal descent (including Metis, non-status, and Inuit).

#### 1.0.3 The Panel's composition is three people chosen by the Clerk to take into account conflict of interest, language, availability and be composed of three representatives of any of the following groups with at least one being a student:

- students
- faculty
- staff
- administration

In the event of a hearing involving an Aboriginal student, she or he has the right to request that the panel be composed of a majority of representatives of Aboriginal descent.

At its first meeting the Committee will elect a Chair from among the group. The Code of Student Conduct Clerk will give administration support to the

Committee.

## **1.1 Responsibilities of the Hearing Panel**

- 1.1.1 The functions of the Hearing Panel are to receive the report from the Code of Student Conduct Clerk and to conduct a hearing, normally in the presence of the respondent, and to render a decision.
- 1.1.2 The Hearing Panel shall ensure that the respondent has been given adequate notice of the Hearing so that he or she has had sufficient time to prepare her or his case. Prior to the Hearing, the Hearing Panel may seek additional information or recommend further investigation. A hearing should normally be held within 15 working days of receipt of the file from the Code of Student Conduct Clerk.
- 1.1.3 During the Hearing, the respondent shall be given a full and fair opportunity to address the alleged complaint and the evidence arising from it. This meeting shall be conducted in an informal and fair manner.
- 1.1.4 The respondent has the right to be accompanied by a representative or a person acting in an advisory or supportive capacity.
- 1.1.5 The Hearing Process will ensure that the respondent:
  - is made aware of the nature of the allegations and the identity of the complainant(s) by providing her or him with a copy of the complaint(s);
  - understands the types of penalties which may be levied for non-academic conduct, and specifically any sanctions which would be applicable in this case if the allegation is upheld;
  - is provided with the opportunity to respond orally and/or in writing to the allegation(s) or to possible sanction(s).
- 1.1.6 Should a respondent refuse or fail to appear before the Hearing Panel, without due notice or just cause, a decision will be rendered in the student's absence, and such refusal or failure to appear shall be noted in the decision.
- 1.1.7 Having weighed the evidence in accordance with the accepted standard of "balance of probabilities" or the respondent's admission of responsibility for the misconduct, the Chair of the Hearing Panel shall inform both the respondent and complainant in writing within 10 working days following the Hearing that:

the complaint is being dismissed; or

the complaint is being upheld; or in an uncontested finding of responsibility for misconduct, one or more sanctions will be applied in accordance with the provisions of the Code.

The Notice of Decision must contain reasons and the student(s) shall also be informed of her or his right to appeal.

- 1.1.8 Should the Hearing Panel be unable to provide a written decision within 10 working days, it must inform the complainant and respondent in writing of the possible delay and of the expected date of issuance of the decision. Where a student alleges undue delay on the part of the Hearing Panel in issuing a Notice of Decision, such a complaint may be brought to the attention of the Appeals Committee on Student Conduct.
- 1.1.9 Upon issuance of the Notice of Decision, copies of all documents relating to the complaint shall be forwarded to the Clerk of the Appeals Committee on Student Conduct, in the event of an appeal and for the purposes of statistical reporting.
- 1.1.10 A copy of the Notice of Decision shall be forwarded to the Chief of Security, the respondent's academic dean and other appropriate officials of the University, especially in whose area the offence has occurred.
- 1.1.11 Following disposition of the matter, the Hearing Panel shall notify, in writing, the complainant of the action(s) resulting from the complaint.