

SENATE DISCIPLINE COMMITTEE

JURISDICTION AND PROCEDURES

Jurisdiction of the Senate Discipline Committee

1. The Senate Discipline Committee has jurisdiction to hear:
 - a. Complaints referred to the Senate Discipline Committee under the Code of Student Conduct (“Code Complaints”);
 - b. Allegations of academic offences referred to the Senate Discipline Committee under the Faculty Discipline Procedures Concerning Allegations of Academic Offences (“Integrity Allegations”); and
 - c. Reports referred to the Senate Discipline Committee under the Sexualized Violence Policy (“Sexualized Violence Reports”).
2. For the purpose of these procedures, the following definitions shall apply:
 - a. **Allegation** means a Code Complaint, Sexualized Violence Report, or an Integrity Allegation as the context requires.
 - b. **University Representative** means the President of the University or their designate in the case of Code Complaints and Sexualized Violence Reports, or the Academic Integrity Officer in the case of Integrity Allegations.
3. The Senate Discipline Committee’s jurisdiction extends to Allegations against a student who, before or during the course of the disciplinary process involving the student, but prior to adjudication, has:
 - (i) been compelled to withdraw academically;
 - (ii) chosen to withdraw from the class, the program, or the University prior to being disciplined, or;
 - (iii) chosen not to register at the University.
4. In the case of Integrity Allegations, a Hearing Panel of the Senate Discipline Committee may:
 - a. dismiss the allegation; or

- b. impose any of the following:
 - i. notation of the fact of discipline on the offender's transcript for a period of one (1) or more years, but not exceeding five (5) years;
 - ii. repeat of the assignment that triggered the discipline;
 - iii. a failing grade or mark or assessment in the piece of work triggering the discipline;
 - iv. an imposed limit on the grade that can be given for the assignment or class;
 - v. failure of the class;
 - vi. suspension for an academic term or year (to a maximum suspension of three (3) academic years);
 - vii. expulsion from the University;
 - viii. any other remedy of an academic nature that is within the power of Senate to grant.

- 5. In the case of a Code Complaint, a Hearing Panel of the Senate Discipline Committee may:
 - a. dismiss the complaint; or
 - b. impose any of the penalties set out under the Code of Student Conduct

- 6. In the case of a Sexualized Violence Report, a Hearing Panel of the Senate Discipline Committee may:
 - a. dismiss the Sexualized Violence Report; or
 - b. impose any of the penalties set out under section F5.3 of the Sexualized Violence Policy.

- 7. In the case where an Allegation is proven and is not dismissed under section 4(a), 5(a), or 6(a), the Hearing Panel of the Senate Discipline Committee may consider any mitigating or aggravating circumstances in its determination of the appropriate penalty.

Initiating a Hearing / Pre-Hearing Procedures for Code Complaints and Integrity Allegations

- 8. To initiate a hearing of the Senate Discipline Committee the University Representative shall submit a written request to the Senate Vice-Chair (Student

Affairs), or designate. The request shall include a written submission outlining the Allegation together with all supporting evidence, documentation and a list of the witnesses on which the University Representative intends to rely.

9. The Senate Vice-Chair (Student Affairs) shall provide the student with a notice of the Allegation that shall include:
 - a. The material filed by the University Representative under section 7;
 - b. Notice of the deadline for the student to submit a written defence, any supporting evidence and a list of individuals who will attend at the hearing on the student's behalf; and
 - c. Notification of the student's right to be represented.
10. The student shall provide the Senate Vice-Chair (Student Affairs) with a written defence, supporting evidence and a list of the individuals who will also be attending, as well as their capacity (i.e. witness, support person, advocate) no later than the date specified in the notice of allegation. Any evidence or documentation provided after the deadline for submission may be ruled inadmissible by the Hearing Panel at the hearing.
11. The Chair of the Senate Discipline Committee shall constitute a Hearing Panel in a timely manner comprising three faculty and two students. No faculty member who is a current instructor of the accused student may serve as a member of the Hearing Panel. The student member of a Hearing Panel shall not be a member of the class from which the complaint originates. In the event that no student members of the Committee are able to participate on a Hearing Panel due to the provisions of this paragraph, the Dalhousie Student Union shall appoint an ad hoc member to the applicable Hearing Panel. The Committee Chair or an alternate faculty member shall chair the hearing.
12. The Student and University Representative shall be notified of the date, time and location of the hearing, as well as the names of all individuals who will be in attendance, no less than ten (10) working days in advance of the hearing.
13. Preliminary objections or issues must be raised as far in advance of the hearing as reasonably possible. The Chair of the Hearing Panel has sole discretion to rule on any preliminary issues or objections raised by either party that must be dealt with prior to the commencement of the hearing. The Hearing Panel may rule on any preliminary issues or objections raised at the commencement of the hearing.

Initiating a Hearing / Pre-Hearing Procedures for Sexualized Violence Reports

14. To initiate a hearing of the Senate Discipline Committee for a Sexualized Violence Report, the University Representative shall submit a written request to the Senate Vice-Chair (Student Affairs), or designate. The request shall include a written submission outlining the Allegation together with all supporting evidence

- and documentation and a list of witnesses on which the University Representative intends to rely. Supporting evidence and documentation shall include the investigation report and comments submitted by the Complainant and Respondent to the investigator about the investigation report and the Vice-Provost Student Affairs' written decision as to whether the matter should be referred to the Senate Discipline Committee. The University will not call the individual who made the Report under the Sexualized Violence Policy (the "Complainant") as a witness.
15. The Senate Vice-Chair (Student Affairs) shall provide the student against whom the Allegation is brought with a notice of the Allegation that shall include:
 - a. The material filed by the University Representative under section 7;
 - b. Notice of the deadline for the student to submit written submissions, any supporting evidence and a list of individuals who will attend at the hearing on the student's behalf; and
 - c. Notification of the student's right to be represented.
 16. The Senate Vice-Chair (Student Affairs) shall provide the Complainant, who is not a party to the hearing, with a notice that shall include:
 - a. The material filed by the University Representative under section 7;
 - b. Notice of the deadline for the Complainant to submit written submissions, any supporting evidence, confirmation as to whether or not the Complainant will attend at the hearing, and a list of any individuals who will attend at the hearing as support persons for the Complainant; and
 - c. Notification that the Complainant is not required to provide written submissions or to attend the hearing.
 17. The student alleged to have violated the Sexualized Violence Policy and the Complainant shall provide the Senate Vice-Chair (Student Affairs) with written submissions, supporting evidence and a list of the individuals who will also be attending, as well as their capacity (i.e. support person or advocate) no later than the date specified in the notice of allegation. Any evidence or documentation provided after the deadline for submission may be ruled inadmissible by the Hearing Panel at the hearing.
 18. The Chair of the Senate Discipline Committee shall constitute a Hearing Panel in a timely manner comprising three faculty and two students. No faculty member who is a current instructor of the accused student or the Complainant may serve as a member of the Hearing Panel. The student member of a Hearing Panel shall not be in any classes with either the accused student or the Complainant. In the event that no student members of the Committee are able to participate on a Hearing Panel due to the provisions of this paragraph, the Dalhousie Student Union shall

- appoint an ad hoc member to the applicable Hearing Panel. The Committee Chair or an alternate faculty member shall chair the hearing.
19. The accused student, the Complainant, and the University Representative shall be notified of the date, time and location of the hearing, as well as the names of all individuals who will be in attendance, no less than ten (10) working days in advance of the hearing.
 20. Preliminary objections or issues can only be raised by the student against whom the Allegation has been brought or the University Representative. Such objections or issues must be raised as far in advance of the hearing as reasonably possible. The Chair of the Hearing Panel has sole discretion to rule on any preliminary issues or objections raised by the accused party or the University Representative that must be dealt with prior to the commencement of the hearing. The Hearing Panel may rule on any preliminary issues or objections raised at the commencement of the hearing.
 21. Measures to limit contact between the student against whom the Allegation has been brought and the Complainant, including using a privacy screen and allowing for the Complainant to make submissions from a separate room, will be offered to both the student against whom the Allegation has been brought and the Complainant.

Hearing Procedures

22. The Chair of the Hearing Panel shall determine procedures for the hearing in a manner that is consistent with the principles of natural justice and these Procedures.
23. In extenuating circumstances, the Chair of the Hearing Panel may decide to proceed with the hearing in the absence of one faculty member of the Hearing Panel.
24. In the event that the student against whom the Allegation has been brought fails to appear at the hearing, the Hearing Panel shall satisfy itself that reasonable efforts were made to notify the student and may proceed in the student's absence.
25. The student against whom the Allegation has been brought, as well as the Complainant in the case of a Report of Sexualized Violence, may participate at an oral hearing in person, by way of teleconference, or by such other means approved in advance by the Hearing Panel. The student against whom the Allegation has been brought may waive the right to an oral hearing and choose to proceed solely by written submissions.
26. Hearings shall be in camera.

27. At the commencement of the hearing, the Chair of the Hearing Panel shall explain the procedures to be followed and provide an opportunity for introductions as well as any questions, objections, or opening statements.
28. The University Representative shall present the Allegation and witnesses, if any. The student against whom the Allegation has been brought and any members of the Hearing Panel may question the University Representative and the University Representative's witnesses following the presentation of the Allegation.
29. The student against whom the Allegation has been brought may present their defence and witnesses, if any, following the University Representative's presentation. The University Representative and any members of the Hearing Panel may question the student and any of the student's witnesses following the presentation of the defence.
30. Notwithstanding paragraphs 28 and 29, in hearings pertaining to Sexualized Violence Reports, the Complainant may present their oral submissions, if any, following the University Representative's presentation. The student against whom the Allegation has been brought may present their oral submissions, if any, following the Complainant's submissions. Only the Hearing Panel shall be permitted to ask questions to the Complainant and the student against whom the Allegation has been brought.
31. At the discretion of the Chair of the Hearing Panel, the parties (i.e. the University Representative and the student against whom the Allegation has been brought) may make final arguments following the presentations. The student shall have the last word.
32. At the discretion of the Hearing Panel, any evidence sought to be admitted by either party from witnesses who are not available to give evidence in person may be received in writing or in some other form.
33. The student against whom the Allegation has been brought is considered innocent until the Allegation is proven on a balance of probabilities, the burden of which lies with the University Representative.
34. The decision of the Hearing Panel shall be by majority.
35. The Hearing Panel shall report its decision including reasons for the decision and any penalty imposed, to the Vice-Chair (Student Affairs) who shall forward a copy of the decision to the student against whom the Allegation has been brought and the University Representative.
36. An audio recording of each oral hearing shall be made. The recording and all correspondence and documentary evidence relating to appeal proceedings shall be kept in accordance with the records management policies of the University Secretariat. The student may obtain a copy of the audio recording by making

written request to the Senate Vice-Chair (Student Affairs) and may use such recording only for the purpose of an appeal of the decision in question.

37. Appeals from decisions of the Senate Discipline Committee may be made by the student against whom the Allegation has been brought to the Senate Appeals Committee in accordance with the Senate Appeals Committee — Jurisdiction and Appeals Procedures.
38. The Senate shall maintain a confidential database of discipline decisions for the purposes of general reporting and proper adjudication of repeat offences.

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