

COUNCIL DISCIPLINE COMMITTEE TERMS OF REFERENCE

Purpose:

The Council Discipline Committee ensures that the University enacts its student disciplinary bylaws in accordance with the principles of natural justice. It is also the body responsible for hearing all student appeals with respect to decisions of academic and non-academic misconduct.

Membership: 3 members of Council holding academic appointments (and 3 alternates)
3 students appointed by URSU and GSA (and 3 alternates) including at least one member and one alternate from the GSA
Ex officio: Provost and Vice-President (Academic) or designate who will be the Chair
University Secretary (non-voting)

Resources: University Secretariat

Quorum: 7 voting members as follows: Provost and Vice-President (Academic) or designate, 3 members of Council, 3 members appointed by URSU including 1 representative from the GSA

NOTE: In the event that quorum is not met when a hearing is scheduled, the Chair may ask the Appellant and the Respondent if they agree to waive the quorum requirement and are prepared to proceed before the Committee members present at that hearing. The Appellant and the Respondent must both agree prior to do so. Otherwise, the hearing will be rescheduled.

Roles and Responsibilities:

1. To carry out such powers as are delegated by Senate in relation to disciplinary matters.
2. To recommend to Council changes in the disciplinary by-laws, in accordance with section 33(1)(f) of the Act and Senate By-Law 7.2
3. To recommend to Council the appeal proceedings that will be followed by the Committee. Students appealing to the Council Discipline Committee have a right to a fair hearing in accordance with the rules of natural justice.
4. To provide a hearing of cases of academic and non-academic misconduct, on request from any student who has been found to have committed an act of misconduct.
5. To consider expelled students' petitions for permission to apply for re-admission to the University.
6. To publish annually and report to Council a summary of the Committee's proceedings over the course of the previous year.

Further Information:

Grounds for an appeal to the Council Discipline Committee are based on one or more of the following:

- a) There is additional relevant information which was not considered by the Investigating Dean.
- b) There was a problem in procedure during the investigation.
- c) The substance of the case was not considered correctly by the Investigating Dean. For example, relevant rules and regulations were applied incorrectly.
- d) Even if relevant rules and regulations were applied correctly, the resulting decision is unfair or unreasonable in the circumstances.

Decisions of the Council Discipline Committee can be appealed to the Senate Appeals Committee under Section 33 (1) (e) of the *University of Regina Act* and the *University of Regina Senate By-Laws*. Procedural rules are available for consultation at: <https://www.uregina.ca/president/executive-team/ed-governance-univ-secretary/student-appeals/disciplinary-appeals.html>

Section A: Procedural Rules

A1. Preparation

1. Dates of Committee meetings are set at the start of the year and published, taking into account the timing of final examination periods. In extenuating or emergency circumstances the Committee will meet on a non-scheduled hearing date.
2. Requests for a hearing must be submitted in writing to the University Secretary's office. A hearing must be requested within 30 days of the date of the disciplinary decision.
3. Written notice of the hearing is provided at least two weeks in advance of the scheduled date to the affected parties (the student and the University officer) with the statement that the case will be heard *in absentia* unless a rescheduling is requested in writing. Cases must be heard within 4 months of the date of the first notice of hearing.
4. Procedures of the committee accompany the notice of hearing. Parties are asked to provide a detailed written submission, and to keep their oral testimony to important facts. As a guideline, it is suggested that parties should limit the presentation of their case (including initial and closing summaries and any testimony by witnesses) to 30 minutes.
5. One week prior to the scheduled hearing, the two parties are expected to provide to the University Secretary a written submission making their respective cases, with any supporting documents, the name of their representative (if any), and a statement about the evidence to be presented by witnesses, who must also be named. The University officer's submission should include, as a minimum, the evidence for misconduct and the penalty assigned. The student's submission should include, as a minimum, the remedy sought and the grounds for seeking it. The Council Discipline Committee does not summon witnesses. It is up to the parties to make arrangements for the witnesses that each wish to call.
6. The University Secretary distributes this information to Committee members at least three days in advance of the hearing.

A2. Hearing

1. The hearing is not open to the public. Only the parties, their representatives, and their witnesses may attend.
2. Each party may choose to bring one representative. Although witnesses are not necessary at most hearings, each party may choose to call witnesses. Following review of the witness statements (see A5), the Chair may state that the evidence of any witness is not relevant to the hearing, giving his or her reason, and decline to have the witness called.
3. The University officer and/or the officer's representative will briefly present the case against the student, and may call witnesses at this point.
4. The student or representative may ask questions of the University officer and witnesses.
5. Committee members may ask questions of the University officer and witnesses.
6. The student and/or the student's representative will briefly present the student's defence. The presentation will include a clear statement of what outcome the student expects. The student's witnesses may be called at this point.
7. The University officer may ask questions of the student and witnesses.
8. Committee members may ask questions of the student and witnesses.
9. Each party (or the party's representative) may summarize his or her case at the conclusion of testimony, with the student or student's representative speaking last.
10. All parties are asked to state their case concisely and to keep questioning of witnesses to relevant facts; the Chair may set a time limit for testimony if already-known facts are being reiterated.

A3. Judgement

1. The deliberations of the Committee occur after the parties and their representatives and witnesses have withdrawn. These deliberations are confidential.
2. If misconduct is substantiated, the penalty assigned by the Committee may be the same as, or less or more severe than, the original penalty.
3. The judgement of the Committee, and the reasons for the judgement, are rendered to the parties in writing. If the student is to be suspended or expelled, or if a grade of XF is to be assigned, or if a credential is to be withheld or rescinded, the University Secretary's office will notify the Registrar for action relative to the student record when the deadline for appeal to Senate Appeals Committee has expired.

Section B: Rules for Petitioning to Return following a Suspension or Expulsion (Academic or Non-Academic Misconduct)

B1. Preparation

1. Applications for re-admission and a letter of petition must be submitted in writing to the University Secretary's Office, for consideration by the Council Discipline Committee.
2. Written notice of the hearing is provided at least two weeks in advance of the scheduled date to the student with the statement that the case will be heard *in absentia* unless a rescheduling is requested in writing. Cases must be heard within 4 months of the date of the first notice of hearing. The Council Discipline Committee will serve as the University officer.
3. Procedures of the Committee accompany the notice of hearing.
4. One week prior to the scheduled hearing, the student is expected to provide the University Secretary with a written submission making their respective case, with any supporting documents and the name of their representative (if any). The student's submission should include, as a minimum, the grounds for seeking re-admission.
5. At least three days in advance of the hearing, the University Secretary will distribute the student's submission to the Committee members, along with any correspondence between the appellant and the University and a copy of all materials submitted for the previous appeal hearing.

B2. Hearing

1. The hearing is not open to the public.
2. The appellant may bring one representative. No witnesses are permitted.
3. The appellant or his/her representative will present his or her case. The appellant has the onus of showing that their petition to return should be granted. The Chair may set a time limit if already-known facts are being reiterated.
4. Committee members may ask questions.
5. The appellant or his/her representative will summarize their request.

B3. Judgement

1. The deliberations of the Committee occur after the appellant and his/her representative have withdrawn. These deliberations are confidential.
2. The Committee may approve the petition to return or deny the appellant their request.
3. If the petition is approved by the Committee for acceptance to the University of Regina, students must still meet the academic requirements for admission, re-admission or transfer to their chosen faculty.
4. If the petition is denied by the Committee, the decision is deemed final and a new time period may be allotted before the student can petition again to return.
5. The judgement of the Committee and the reasons for the judgement are rendered in writing to the appellant and the University Registrar for action relative to the student record.

Approved by Executive of Council 26 March 2014