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Parent Policy	Student Conduct Policy
Framework Category	Legal, Compliance and Governance
Approving Authority	Governance, Nominations and Human Resources Committee
Policy Owner	General Counsel
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Review Date	
Supersedes	Student Conduct Policy, June 2010, Section 4.4

STUDENT JUDICIAL COMMITTEE PROCEDURES

PURPOSE

1. The purpose of these Procedures is to describe the process for adjudication of allegations of Improper Conduct by the Student Judicial Committee, following an Investigation.

DEFINITIONS

2. For the purposes of these Procedures the following definitions apply:

“Appeal-Level Hearing” means an oral or written Hearing convened by the Student Conduct Appeals Committee.

“Complainant” means an individual who submits a Complaint.

“Complaint” means:

- A formal written allegation made against a Student and submitted to (or received by) a University Recipient; or
- A written summary of facts forming the basis of a University-led investigation.

“Decision” means a judgement made by a Delegated Decision-Maker pursuant to a Decision-Making Process and does not include a decision not to commence a Decision-Making Process.

“Decision-Level Hearing” means the Decision-Making Process of the Student Judiciary Committee.

“Decision-Making Process” means a formal process to make a Decision established by and described in an approved University policy instrument.

“Delegated Decision-Maker” means an individual (including a Process Manager) or group of individuals who are University Members and who are given authority to launch Investigations and to make Decisions regarding Complaints under an approved University Policy. Instrument

“Hearing” means a part of the Decision-Making Process in which there is an opportunity for a Party to be heard by a Delegated Decision-Maker and/or to defend, refute or challenge the allegations in respect of an Issue.

“Improper Conduct” means a violation of University policy or regulation (other than an academic policy or regulation) or illegal activity which takes place on or using University property.

“Investigation” means a part of the Decision-Making Process in which the University conducts a systematic inquiry into an Issue.

“Investigator” means an individual appointed by a Delegated Decision-Maker to conduct an Investigation. For the purpose of these Procedures, the Process Manager and the Investigator may be, but are not necessarily, the same individual.

“Material Information” is information a Student requires in order to fully respond to significant aspects of a Complaint.

“Process Manager” is a Delegated Decision-Maker delegated with responsibility to manage all or part of a process under an University Policy Instrument and to make Decisions. Under these Investigations Procedures, the Process Manager will manage all aspects of the intake, investigation, and referral of Complaints to the SJC and has the authority to determine that an Issue will not proceed through the Decision-Making Process, to appoint and oversee an Investigator, and to informally resolve Complaints and/or refer Complaints to the Student Judiciary Committee for Decision.

Review is an informal process undertaken to assess whether a Decision-Making Process will be commenced.

“Student” means an individual who is alleged to have engaged in Improper Conduct and who is or was registered in any course or program of study at UOIT at the time of the alleged Improper Conduct.

“Student Judicial Committee (SJC)” is a Delegated Decision-Maker with authority to hear and make Decisions respecting Student Improper Conduct in accordance with its terms of reference.

“University Member” means any individual who is:

- Employed by the University;
- Registered as a student, in accordance with the academic regulations of the University;
- Holding an appointment with the University, including paid, unpaid and/or honorific appointments; and/or
- Otherwise subject to University policies by virtue of the requirements of a specific policy (e.g. Booking and Use of University Space) and/or the terms of an agreement or contract.

“University Recipient” means the University Member or members designated in a University Policy Instrument to receive a Complaint and/or to whom Issues are reported.

“Working Days” means all weekdays, excluding statutory holidays and University closure dates as indicated on the UOIT website.

SCOPE AND AUTHORITY

3. These Procedures apply to all Complaints of Improper Conduct that are not resolved through an informal resolution process following an Investigation.
4. The General Counsel, or successor thereof, is the Policy Owner and is responsible for overseeing the implementation, administration and interpretation of this Policy.

PROCEDURES

5. Complaints to be resolved by the SJC

- 5.1.** If the Complaint is not dismissed at the end of the Investigation, and is not resolved through an Informal Resolution Process, the Process Manager will request that the SJC Vice-Chair convene the SJC.
- 5.2. Information for the SJC:** As part of the referral process, the Process Manager will deliver the following to the SJC:
- a)** A copy of the original Complaint;
 - b)** The Investigation report (which will include a recommendation on the imposition of sanctions on the Student) and confirmation of the date such report was provided to the Student;
 - c)** A summary of any temporary sanctions that were imposed on the Student during the Investigation process;
 - d)** If applicable, a copy of the informal resolution plan offered to the Student during the Informal Resolution Process;
 - e)** A list of possible witnesses;
 - f)** Any other documentation or information that the Delegated Decision-Maker determines relevant to the resolution of the Complaint; and
 - g)** A summary of any information that has not yet been provided to the Student and reasons for the decision not to disclose.

6. Preliminary Review by the Chair

- 6.1.** The appointed Chair of the SJC will review the materials submitted to determine whether there are any disclosures of Material Information that are required to be made to the Student.
- a)** Where the Chair determines that Material Information has not been disclosed, the Chair may suspend the Decision-Making Process for up to ten (10) Working Days to determine whether there are good reasons to withhold Material Information from the Student.
 - b)** If it is determined that Material Information will not be disclosed to the Student, the Chair of the SJC will dismiss the Complaint. The Student and Complainant will be advised of this decision promptly.

7. Notification and Response

- 7.1.** Where a Complaint is referred to the SJC, the Committee will promptly notify the Student.
- a)** The Student will be provided with a copy of the Investigation report and a summary of any other Material Information.
 - b)** The Student will have five (5) Working Days to submit a written response.
 - c)** The Student Response will be shared with the Process Manager.

- d) If the Student believes that there were procedural irregularities in the Investigation process, he or she will summarize those allegations in his or her written response to the Committee.

8. Review of the Investigation by the Chair

- 8.1. The appointed Chair of the SJC will review the materials submitted by the Student and the Investigator. This review will normally be completed within five (5) Working Days.
 - a) If additional time is required, the Student will be notified promptly. The Chair will provide the Student with a brief summary of any additional information obtained during the review process.
 - b) The Student will be given the opportunity to respond to such information in person during the Pre-Decision Meeting.
- 8.2. **Authority to Request Additional Information:** The Chair has the authority to request additional information from the Investigator or the Student during the review process. The Chair will also have the authority to meet with other members of the University community as he or she deems necessary (subject only to the requirement to disclose such information as noted above).
- 8.3. **Authority to Initiate Second Investigation:** At any point during the review process if the Chair determines that the Investigation is flawed such that there is insufficient reliable evidence upon which to make a determination, the Chair may either dismiss the Complaint or request a second investigation. While the decision to initiate a second investigation rests with the Chair of the SJC, the Chair may consult as he or she sees fit prior to making such a determination.

9. Pre-Decision Meeting

- 9.1. The Student will be invited to attend a Pre-Decision Meeting with the SJC prior to the Committee issuing a decision or imposing any permanent sanction on the Student.
 - a) Scheduling. The Pre-Decision Meeting will normally be scheduled within five (5) Working Days of the completion of the Chair's review.
 - b) Student Support. The Student is permitted to have a support person present at the Pre-Decision Meeting. The Student is required to advise the SJC of the identity of his or her support person at least one (1) Working Day prior to the Meeting.
 - c) Witnesses: The Student may, at any time up to two (2) Working Days prior to the Meeting, request that one or more witnesses (either for the University or the Student) attend the Meeting to be questioned through the Committee on the evidence provided to the Investigator. The Chair has the discretion to permit or deny this request.
- 9.2. **Meeting Procedures.** The Pre-Decision Meeting will be held in accordance with the following procedures:
 - a) At the commencement of the Meeting, the Chair will identify the parties and the members of the Committee;

- b) The Chair will canvas the parties separately to determine whether there is an opportunity to resolve the Issue through voluntary Informal Resolution.
- c) Where the matter is not resolved informally at the outset of the Meeting, The Process Manager will briefly summarize the University’s evidence and recommendations;
- d) The Respondent or a representative will briefly describe his/her position on the matter including the Investigation findings, and the appropriateness of any recommended sanction(s).
- e) Committee members may ask questions at the conclusion of each person's statement or testimony, or at the conclusion of either party’s case;
- f) Where Witnesses are permitted, and where facts important to the decision of the Issue are in dispute and rest on an assessment of credibility, the Chair has the discretion to permit questioning of a University Witness in such a manner as the Chair directs. To minimize the adversarial nature of the hearing, preference will be given to questioning through the Chair.
- g) The Respondent will not be permitted to submit new documentary evidence during the Pre-Decision Meeting unless it relates to information that was gathered during the Chair’s review process.
- h) Both the Process Manager and the Respondent may make brief closing statements to summarize the main points of their respective positions.

9.3. Decision: The SJC will normally issue a written decision to the Student within ten (10) Working Days of the Pre-Decision Meeting. Where a student is found to have committed Improper Conduct, the decision will provide the reasons for such finding.

MONITORING AND REVIEW

- 10. These Procedures will be reviewed as necessary and at least every three years. The General Counsel, or successor thereof, is responsible to monitor and review these Procedures.

RELEVANT LEGISLATION

- 11. This section intentionally left blank.

RELATED POLICIES, PROCEDURES & DOCUMENTS

- 12. Student Conduct Policy
 Administrative Fairness Policy
 Investigation Procedures for Allegations of Student Non-Academic Misconduct
 Student Judicial Committee Terms of Reference



Item	X.XX
Parent Policy	Administrative Fairness Policy
Framework Category	Legal, Compliance and Governance
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STUDENT JUDICIAL COMMITTEE TERMS OF REFERENCE

1. Purpose

The Student Judicial Committee (SJC) is a committee formed and delegated with authority to hear, consider and decide Issues raised under the Student Conduct Policy.

2. Definitions

Words in these Terms of Reference will have the meanings ascribed to them under the Student Conduct Policy, the Administrative Fairness Policy and related Policy Instruments.

3. Terms of Reference

- a. The Vice-Chair and Chairs of the SJC, and the SJC are Delegated Decision-Makers under the Student Conduct Policy and the Administrative Fairness Policy.
- b. In addition to the authority described in the SJC Pre-Decision Procedures, a Chair has the authority to:
 - i. Facilitate a voluntary Informal Resolution of any Issue;
 - ii. Decide all procedural requests made in respect of a Pre-Decision Meeting, including but not limited to requests for extensions of time, admission of evidence, and the attendance and questioning of Witnesses at the Pre-Decision Meeting.
- c. The Panel has the authority to decide the Issues raised and determine appropriate sanctions or penalties, if any.
- d. SJC Pre-Decision Meetings are in person and may be held with a Chair sitting alone, or with a Panel.
- e. Where a Panel is convened, Decisions will be made by a simple majority of Panel members.
- f. The Pre-Decision Meeting will be held in accordance with the SJC Rules of Procedure.
- g. The SJC will determine penalties or sanctions in accordance with the Student Conduct Policy.

- 4. SJC Committee Membership, Roles and Panels**
- a. There will be twelve Committee Members comprised of:
 - i. Three Tenure and Tenure Track Faculty Members (TTT Member);
 - ii. Three Teaching Faculty (TF);
 - iii. Six Students.
 - b. Any TTT, TF, or Student in Good Standing may apply to be a SJC Committee Member.
 - c. Members will be selected and appointed by the Provost or delegate for a term of two years renewable for one additional one or two year term as the Member and the Provost or delegate agree.
 - d. Committee Roles:
 - i. The Provost or delegate will appoint one of the TTT Members as the Vice-Chair of the Committee.
 - ii. Either the Vice-Chair or one of the other TTT Members will serve as Chairs.
 - iii. The Vice-Chair will determine, having regard to the complexity and seriousness of the issue, whether an Issue will be heard by Chair alone or by Panel.
 - e. Where a matter is to be heard by a Panel, the Panel will be selected by the Vice Chair from among the Committee Members and each Panel will be comprised of:
 - i. One Chair;
 - ii. One Member who is either a TTT or a TF, and;
 - iii. One Student Member.

In selecting the Panel, the Chair will make reasonable efforts to ensure that the Committee members participate on a roughly equivalent basis throughout the course of their Terms.