

Senate Committee on Non-Academic Discipline
Report to the Senate
Senate Policy on Student Appeals, Rights and Discipline Policy Revision
September 23, 2010

Analysis and Discussion

Following the adjustment to the vice-principal structure, Queen's Vice-Principal (Academic) is also the University Provost. The adjustment includes the Provost assuming the Principal's responsibilities as set out in the *Senate Policy on Student Appeals, Rights and Discipline* (SARD) relating to non-academic discipline. In place of the Principal, the Provost now may refer matters to the USAB for a hearing.

In addition, the word "other" is removed from s.17(c) *Jurisdiction of the University Student Appeal Board*. Some respondents, in cases referred to the USAB, argued that the phrase "any other matter" in s.17(c) limited the range of matters that the USAB may decide. However, the USAB found that cases, if sufficiently important, may be referred to the USAB for an expeditious hearing and determination.

Changes to the SARD policy are as follows:

Senate Policy on Student Appeals, Rights & Discipline	Senate Policy on Student Appeals, Rights & Discipline
Current Terms	Proposed Revised Terms
<p>17. Jurisdiction of University Student Appeal Board (USAB)</p> <p>(c) NEW</p> <p>(d) USAB has jurisdiction to decide any other matter concerning a student referred to it by the Senate, a faculty board, or the AMS or SGPS Judicial Committee, or the Principal.</p>	<p>(c) The Provost may, in his or her sole discretion, refer any case of non-academic discipline or academic dishonesty to the USAB for hearing and disposition, as long as the matter has not been heard by another body. The USAB will have full jurisdiction to impose any sanction that could have been made by a body with original jurisdiction over the matter, including requiring the student to withdraw for a specified period of time. The Provost (or his or her designate) will be present at the case against the student and determine what sanction to seek to have imposed by the USAB.</p> <p>(d) USAB has jurisdiction to decide any other matter concerning a student referred to it by the Senate, a faculty board, or the AMS or SGPS Judicial Committee, or <u>the Provost and Vice-Principal (Academic)</u>.</p>

<p>Commentary:</p> <p>Normally it is a student who will appeal to USAB. It should also be noted that, because of the limited grounds for appeal in section 21, an appeal to USAB under subsection 17(a) is not a rehearing of the case as presented to the decision maker whose decision is under appeal.</p> <p>Subsection 17(c) also allows for the Principal or various bodies within the University to refer cases involving one or more students to USAB for a hearing so that a decision can be made, or so that a report can be made to an appropriate person or body. In the event of such a referral, the Chair of the USAB shall determine the procedure that is to be followed, consistent with the principles of natural justice and the terms of reference. Such referral power might, for example, be used if there is a conflict of interest preventing a body from dealing fairly with a case or a case arises concerning a matter that is not otherwise dealt with by Senate policies.</p>	<p>Commentary:</p> <p>Normally it is a student who will appeal to USAB. It should also be noted that, because of the limited grounds for appeal in section 21, an appeal to USAB under subsection 17(a) is not a rehearing of the case as presented to the decision maker whose decision is under appeal.</p> <p>Subsection 17(c) also allows for the <u>Provost and Vice-Principal Academic</u> or various bodies within the University to refer cases involving one or more students to USAB for a hearing so that a decision can be made, or so that a report can be made to an appropriate person or body. <u>This provision is intended to clarify that the Provost will ensure serious cases are dealt with expeditiously by an independent body chaired by a legally trained person.</u> In the event of such a referral, the Chair of the USAB shall determine the procedure that is to be followed, consistent with the principles of natural justice and the terms of reference. Such referral power might, for example, be used if there is a conflict of interest preventing a body from dealing fairly with a case or a case arises concerning a matter that is not otherwise dealt with by Senate policies.</p>
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Recommendation:

The Senate Committee on Non-Academic Discipline submits the following recommendation:

That the changes to the Policy on Student Appeals, Rights and Discipline, set out above, be approved by the Senate and that the Policy be updated on the Senate website for information.