



Aurora College Bylaws

Bylaw #3: Student Loss of Privileges, Penalties, Sanctions, and Appeals

**Aurora College Bylaw # 3:
Student Loss of Privileges, Penalties, Sanctions, and Appeals Bylaw**

A BYLAW of the Aurora College Board of Governors in respect to a student's loss of privileges, the application of penalties or sanctions to a student, the expulsion of a student from Aurora College, and student appeals.

PURSUANT TO Section 16(k) of the *Aurora College Act* which states that the Board may, with the approval of the Minister of Education, Culture and Employment, make bylaws governing the loss of privileges by a student or the expulsion of a student from Aurora College;

WHEREAS the College has a duty to provide students with a safe living and learning environment and maintain the academic integrity of the College;

AND WHEREAS this bylaw is to be interpreted in accordance with principles of procedural fairness;

AND WHEREAS procedural fairness includes the right of a student to appeal a loss of privilege, a penalty, a sanction or expulsion from the College;

NOW THEREFORE, be it resolved that the Board of Governors of Aurora College, with the approval of the Minister, enacts as follows:

1.0 TITLE

This bylaw may be referred to as the “Student Loss of Privileges, Penalties, Sanctions, and Appeals Bylaw.”

2.0 DEFINITIONS

2.1 **DISCIPLINARY ACTION** – Authorized actions taken by Aurora College faculty or staff member(s) to address a student’s misconduct.

2.2 **DISMISSAL** – The temporary removal of a student from a course, program, or the College. A person dismissed from a program or the College ceases to be an Aurora College student, but may be eligible to apply for re-admission to the College at some future date.

2.3 **EXPULSION** – The permanent exclusion of a person from access to, or involvement in, any future College enrollment, College learning activities, College facilities and any other College activities or resources. A student who is expelled from the College shall not be readmitted.

2.4 **MISCONDUCT** – Failure of a student to meet established standards of behaviour either inside or outside the classroom. Misconduct occurs when a student engages in behaviour that violates statutes, regulations, College bylaws, policies, procedures, rules or guidelines, or interferes with normal College operations and/or the lives and activities of other members of the College Community. Misconduct may be academic or non-academic in nature.

3.0 SCOPE

3.1 This bylaw describes the loss of privileges, penalties or sanctions that a student may expect when the student’s actions result in:

- a. Unsatisfactory academic performance or failure;
- b. Misconduct; and/or
- c. Failure to meet financial obligations to Aurora College.

3.2 Student loss of privileges, penalties, and sanctions may include action(s) being taken by the College, up to and including dismissal from a program, expulsion from the College and or eviction from College housing.

3.3 The College shall determine the action(s) to be taken based on the severity of the misconduct.

3.4 A student of Aurora College may be subject to action(s) resulting in a loss of privileges, penalties, or sanctions for misconduct of an academic or a non-academic nature. Actions may include, but are not limited to:

- a. Placing a student on probation, reprimanding the student or establishing conditions for a student's continued participation at the College;
 - b. Dismissal from a course, program or the College for misconduct or academic failure;
 - c. Eviction from student housing;
 - d. Expulsion for serious or repeated academic misconduct;
 - e. Expulsion for serious or repeated non-academic misconduct including but not limited to serious breaches of housing rules, harassment, violence or threats of violence or continuing disruptive behaviour;
 - f. Withholding of the privilege of convocation or other penalties for non-payment of the student's account.
- 3.5 A student shall have the right to appeal those actions taken by the College, listed in subsection 10.1 of this Bylaw.
- 3.6 Where a matter is also being investigated or reviewed by a law enforcement agency or other external agency (e.g. NWT Human Rights Commission), the College, at its discretion, shall continue, stay, or terminate any proceedings related to the matter.
- 3.7 No aspect of this bylaw shall prevent the College from referring a matter to an appropriate law enforcement agency as required.
- 3.8 The President shall establish procedures in support of this Bylaw.
- 4.0 INVESTIGATION OF CONDUCT**
- 4.1 Complaints of alleged student misconduct shall be investigated by Aurora College in accordance with procedures and within established timelines so as to ensure fairness to the student or students against whom the complaint is made.
- 4.2 All complaints of alleged student misconduct shall be submitted in writing.
- 4.3 Aurora College shall acknowledge in writing receipt of all complaints of alleged student misconduct.
- 4.4 Investigations of conduct shall be carried out by an impartial investigator appointed by the appropriate Vice President or other senior College personnel as determined by the College President.
- 4.5 Investigations shall be conducted in a confidential, objective, and timely manner.
- 4.6 Investigation of a complaint shall result in examination that includes, but is not necessarily limited to, review of documentation related to the matter and conduct of interviews with the complainant, the student or students against whom the complaint is made, and any relevant witnesses.

- 4.7 During any investigation, the student against whom the complaint has been made shall have an opportunity to explain their behaviour.
 - 4.8 The student whose behaviour is being investigated may be accompanied during any meetings with an investigator by a support person of their choice such as a member of the College community, parent, friend, spouse, or wellness worker.
 - 4.9 Both the student whose behaviour is being investigated and the complainant shall be given the opportunity to review the investigator's draft report for factual accuracy. If either party disputes the factual accuracy, they may provide a written statement which shall accompany the final report.
 - 4.10 The investigator shall prepare an impartial, factual, and comprehensive report to assist the Vice President or other senior College personnel who shall make a determination whether misconduct has occurred and what further action will be taken.
 - 4.11 The student whose behaviour is being investigated shall receive a written copy of the determination; this shall include what further action, if any, that will be taken.
 - 4.12 If an investigation results in a determination that College action(s) are to be taken or recommended that will result in a student's loss of privileges, penalties or sanctions, and the matter is subject to appeal by the student, the student shall be notified, in writing, of the actions required to appeal the decision.
 - 4.13 The complainant shall be informed in writing of the outcome of the complaint.
- 5.0 UNSATISFACTORY ACADEMIC PERFORMANCE**
- 5.1 A student whose course mark falls below the course pass mark at the mid-point of the course shall be required to meet with the course instructor and may be placed on academic probation for the remainder of the course.
 - 5.2 A student whose cumulative average for the program at mid-term is at or below the program pass mark, shall be placed on academic probation for the remainder of the current term and the following academic term.
 - 5.3 Students on academic probation who are unable to improve their performance in the subsequent term may be subject to further action up to and including dismissal from a course or program.
 - 5.4 Where the course or program outline states that failure to complete all required coursework will result in failure in the course regardless of the student's computed percentile grade, the student with a computed passing percentile grade, who has not completed all required coursework, shall receive a final course grade of 49% (F).
 - 5.5 A student who is dismissed from a course, for any reason, shall receive a final course grade of Fail (F).

- 5.6 A student who has been dismissed from a course may apply to re-register in the course after one, complete subsequent academic term.
- 5.7 A student who is not meeting minimum academic performance standards may be dismissed from a program.
- 5.8 When a program manager has come to the conclusion, based on documented evidence, that a dismissal from a program is justified, he or she shall provide a written notice of the dismissal to the student.
- 5.9 A student who has been dismissed from a program shall not be re-enrolled in any College program for a period of one complete academic year.

6.0 ACADEMIC MISCONDUCT

- 6.1 Upholding the standards of academic integrity is essential to the credibility of Aurora College and the value of education provided to the College's students. As a result, academic misconduct by a student is treated as a serious matter.
- 6.2 A course instructor may take initial steps to investigate a suspected incident of academic misconduct in a course for which they are responsible.
- 6.3 If an instructor believes that academic misconduct has occurred, the instructor shall report the matter in writing, to the appropriate Vice President and a formal investigation may be undertaken in accordance with Section 4 of this Bylaw.
- 6.4 If academic misconduct is proven as a result of an investigation, the appropriate College authority may discipline a student.
- 6.5 A student who is dismissed from a course, program, or required learning activity (e.g. practicum or internship) for academic misconduct may be given the opportunity to participate in a future practicum or internship on a probationary status at the discretion of the program manager.

7.0 MISCONDUCT RELATED TO COLLEGE HOUSING

- 7.1 Any student conduct that results in violation of College Bylaws, policies or the rules related to College housing shall be subject to disciplinary procedures, which may include a loss of privileges up to and including eviction from the assigned housing unit.
- 7.2 A student resident occupying College housing shall be held accountable to repair or pay for any damage to the premises or furniture supplied by the College caused by negligence or any wilful action of the resident, his or her family, or any other person permitted on the premises by the resident.
- 7.3 A student evicted from their College housing, may be permitted to continue with their studies.

- 7.4 A student dismissed from a program of study or expelled from the College shall be evicted from College housing.
- 7.5 A student evicted from College housing for any reason, shall have a notation of the eviction placed on their student file. The College may elect to use this information in determining future eligibility for College housing.

8.0 HARASSMENT

- 8.1 Matters of harassment, as defined in Bylaw #1, *Student Conduct* shall be investigated in accordance with the clauses of Section 4 of this Bylaw.
- 8.2 If harassment is proven by the investigation, action shall be taken in accordance with subsection 3.4 of this Bylaw.
- 8.4 A student who files a complaint that is knowingly false or files a complaint for malicious or vexatious reasons or in bad faith shall be subject to appropriate disciplinary action up to and including expulsion from the College.
- 8.5 Disciplinary action imposed on a student following a finding of harassment or a false accusation of harassment may be appealed in accordance with Section 10 of this bylaw.

9.0 FAILURE TO MEET FINANCIAL OBLIGATIONS TO THE COLLEGE

- 9.1 A student shall not be permitted to register in subsequent terms until all accounts with the College have been settled or a suitable repayment plan has been approved by the College's chief financial officer.
- 9.2 A student who is returning to a program in the next academic year may be denied the privilege of remaining in their housing unit over the summer if the student has an outstanding account with the College.
- 9.3 A student who is in financial arrears to the College may not participate in College convocation, unless a suitable repayment plan has been approved by the College's chief financial officer.
- 9.4 The issuance of transcripts may be withheld if a student has an outstanding account with the College.

10.0 STUDENT APPEALS

- 10.1 The following actions of the College may be appealed by a student:
- a. Assignment of interim and final grades;
 - b. Dismissal from an individual course or required learning activity (e.g. practicums, preceptorships, work placements);
 - c. Dismissal from a program of study;

- d. Disciplinary action taken as a result of Academic Misconduct;
 - e. Disciplinary action taken as a result of Non-Academic Misconduct; and
 - f. Eviction from College housing.
- 10.2 No other actions of the College related to student conduct, may be appealed.
- 10.3 The College's process of appeal is a formal process through which members of an appeal panel review information and hear from the college authority or complainant and the individual against whom action is being taken and make a decision regarding the validity of the action.
- 10.4 Appeals shall be conducted in a confidential, objective and timely manner.
- 10.5 The President shall establish appeal procedures and timelines.
- 10.6 Appeal panels shall be appointed from a pool of panelists that includes faculty, staff and students.
- 10.7 When possible, one of the appeal panel members shall be a student.
- 10.8 Under no circumstances shall appeal panel members be from the program(s) in which the student making the appeal is taking courses.
- 10.9 In conducting its review of the information and testimony it receives, the appeal panel shall determine whether the following requirements have been met:
- a. The bylaws, policies, rules and guidelines of the College were applied to the student in an objective and consistent manner;
 - b. The College authority treated the student fairly.
- 10.10 If the appeal panel finds that the College's actions are consistent with the requirements listed in 10.9, it shall uphold the original decision.
- 10.11 The onus is on the appellant to demonstrate that they have not been dealt with in an appropriate manner with respect to the tests described in 10.9.
- 10.12 In all cases, in making its final decision the appeal panel shall either:
- a. Uphold the original decision; or
 - b. Reverse the original decision; or
 - c. Vary the original decision.
- 10.13 During the appeal process the student shall be entitled to attend scheduled classes and related learning activities unless doing so presents a potential liability, safety risk, or significant disruption to the learning process of the student or to other members of the College Community.
- 10.14 The appeal panel shall provide a written decision on the appeal.
- 10.15 A confidential file of hearing proceedings and related documentation shall be maintained by the College Registrar's Office.
- 10.19 The decision of any appeal panel shall be final and shall not be subject to further appeal.

11.0 EMERGENCY SITUATIONS

- 11.1 In cases where students are deemed to be a serious threat to the welfare of themselves or others, the President or delegate may immediately take any actions up to and including expulsion of the student from the College and or eviction of the student from College housing. Such actions by the President are not appealable.
- 11.2 When a student is removed from the College in accordance with clause 11.1, he or she may not re-register at the College for a period of time to be determined by the President. The President is under no obligation to permit the re-enrollment of any person removed from the College in accordance with clause 11.1 if she or he determines that it is in the best interest of the College and the College Community.
- 11.3 The College President or his or her delegate may take whatever interim relief measures he or she considers necessary to protect and provide support for those involved in the matter, pending a final determination regarding a complaint of harassment.

12.0 DELEGATION


- 12.1 References in College bylaws to the College President or other faculty or staff members in authority (e.g. vice-presidents, directors, managers, or registrar) may include a delegate acting on their behalf.

13.0 COMING INTO FORCE

This bylaw shall come into force on the date set by the Board of Governors. The date shall follow the approval of the Bylaw by the Minister of Education, Culture and Employment.

APPROVED

Approved By Motion of the Board of Governors on 31 March 2015 and by



Honourable Jackson Lafferty
Minister of Education, Culture and Employment

July 7, 2015

Date