

<b>Policy Title:</b>	Discipline - Students		
<b>Category:</b>	<input type="checkbox"/> Institutional - Board	<input checked="" type="checkbox"/> Academic - Administrative	
	<input type="checkbox"/> Institutional - Administrative	<input type="checkbox"/> Employment - Administrative	
<b>Approved by:</b>	<input type="checkbox"/> Board	<input checked="" type="checkbox"/> President	
<b>Date approved:</b>	April 25, 2019	<b>Effective date:</b>	June 1, 2019
<b>Policy Sponsor:</b>	Vice President, Academic	<b>Date last reviewed:</b>	April 25, 2019
<b>Date of Mandatory Review (expiry date)</b>	April 2024	<b>Date of last revision of Procedures</b>	April 25, 2019

## 1 POLICY

1. CMCC reserves the right to take appropriate disciplinary action when a breach of policy has occurred.
2. In matters where there are allegations of inappropriate, disruptive, violent or threatening behaviour on the part of students (including but not limited to assault, harassment, bullying, cyber-bullying, vandalism, theft and similar behaviour), CMCC reserves the right to contact and/or refer the matter to the police.
3. Where the alleged misconduct presents or has the potential to present a threat of harm or violence to any member of the CMCC community including the respondent, or to property, the institution reserves the right to impose interim measures to ensure the safety and security of all members of the institutional community. These measures may include, but are not limited to:
  - a. the temporary suspension or removal of the respondent from any or all of: the academic program, the campus, clinics, or other institutionally sanctioned activities
  - b. limiting or restricting access to programs, facilities and resources
  - c. other temporary measures as deemed necessary by CMCC.
4. Interim measures deemed necessary to be instituted shall be ordered by the Registrar and shall be in place pending the investigation into the discipline matter and its eventual resolution, or until such time as the respondent can substantiate, to the sole discretion of the Registrar, through an appropriate third-party professional assessment, their suitability to return to the institution and not present a threat to themselves or others in the community.
5. No degree shall be awarded, nor change in academic status provided, nor shall a student be allowed to withdraw from an individual course or program when an offence is alleged to have been committed, from the time an alleged offence is reported until the final disposition of the matter. In addition, CMCC reserves the right to commence proceedings pursuant to the Discipline - Students Policy notwithstanding that a student shall no longer be enrolled at CMCC.
6. The procedures for handling offences reflect the gravity with which CMCC views such offences, while maintaining a student's right to fairness and due process, including a

process of appeal and adherence to the Rules of Natural Justice. Assessing the gravity of an offence will not only include the alleged offence itself, but consideration may also be given to such factors as the frequency of the offence, the respondent's prior discipline history, the impact of the offence on the victim, the institution, its members, its reputation, and that of the chiropractic profession, and such other factors as may be considered by the Registrar to be relevant.

7. CMCC retains absolute discretion as to the dissemination of all or a portion of the information relating to disciplinary actions and relevant decisions.

## **2 PURPOSE**

To outline the disciplinary process for academic and non-academic offences at CMCC.

## **3 SCOPE**

CMCC students, including individuals who were students at the time of the event(s) upon which a disciplinary proceeding is based.

## **4 INFORMATION AND COMPLIANCE PLANS (not a comprehensive list)**

- Council on Chiropractic Education Canada (CCEC) Standards for Doctor of Chiropractic Programmes - Section III Criteria for Accreditation: Policies and Procedures, Standard C, 1.g. (Disclosure), and 6.g. (Student Discipline)
- Postsecondary Education Choice and Excellence Act, 2000, Ontario Regulation 279/02, Section 6.(2)5 (Transcript Standards)
- Postsecondary Education Quality Assessment Board (PEQAB) Handbook for Private Organizations 2017, Organization Review Standards 5, 7 (Dispute Resolution)

Each student is entitled to:

- a. a presumption of innocence;
- b. be made aware of the case against them;
- c. have matters addressed fairly and expeditiously;
- d. be accompanied by a support person to any meeting with administrators, and to any hearing;
- e. have matters heard by those who are not sitting in judgment of their own actions or decisions;
- f. know, respond to, and seek clarification of evidence presented by witnesses;
- g. have decisions based on clear and cogent evidence.

## **5 RELATED POLICIES (not a comprehensive list)**

- Academic Appeals
- Interns' Manual
- Sexual Violence, Assault and Harassment
- Student Code of Conduct: Academic
- Student Code of Conduct: Non-Academic
- Student Code of Conduct: Regulated Practice
- Workplace Violence and Harassment

## **6 DEFINITIONS**

Business days are Monday through Friday (except holidays).

The complainant is the party having set out in writing a complaint made pursuant to this enactment who may or may not be the victim of the improper conduct.

A group is defined as a club, society, association, committee or other body of students having an affinity based upon common or collective interest or purpose, whether or not incorporated and whether or not officially recognized by CMCC.

An infraction is inappropriate, disruptive, violent or threatening behaviour on the part of an individual (including but not limited to assault, harassment, bullying, cyber-bullying, vandalism, theft and similar behaviour).

Investigations: A preliminary investigation is to determine if an infraction may have occurred. A formal investigation shall involve the collection of documentation and information for the purposes of making a determination of what process should be undertaken.

A member or member of CMCC is a student, past student, employee, CMCC clinic patient or other authorized visitor to CMCC, and includes a group.

Any period of time stated in this enactment refers to regularly scheduled class time and is exclusive of academic reading weeks, examination periods and regularly scheduled holidays.

The respondent is the student who is the subject of a complaint made pursuant to this enactment.

*Abbreviations used in this policy:*

Board – the Discipline Board herein established

CMCC – the Canadian Memorial Chiropractic College

Hearing – a hearing constituted pursuant to this enactment

President – the President of the Canadian Memorial Chiropractic College

Proceedings – all actions, hearings and proceedings made pursuant to or under an enactment

**New Policy Approved (date):**

October 1999 - Academic Discipline Policy

**Policy Revision History (dates):**

April 25, 2013 - Discipline

June 26, 2014

June 29, 2017

February 22, 2018

April 25, 2019 – see also Student Code of Conduct

(Academic) and Student Code of Conduct (Non-Academic)

-----**END OF POLICY**-----

## **7 PROCEDURES**

## **1. Students under investigation will be assigned a Case Manager**

The role of a Case Manager is not to provide legal advice rather to ensure that the student is supported throughout the investigation process. The Case Manager will be a member of Student Affairs and appointed by the Registrar.

## **2. Initiating an Investigation**

- Any of, the Directors of Student Affairs, Education, Graduate Studies or Dean of Clinics may initiate a preliminary investigation into misconduct by a student and determine that the matter be dropped and no action be taken.
- The Directors of Student Affairs, Education, Graduate Studies or Dean of Clinics may decide after the results of a preliminary investigation, which must be completed within five days, that an infraction has occurred and must be reported to the Registrar (if non-academic in nature) or Vice President, Academic (VPA) (if academic in nature) to determine if a formal investigation is required.
- The individual is entitled to bring a support person to any formal investigation. The support person may not speak on behalf of the individual, or provide information specific to the investigation.
- If determined that a formal investigation is necessary, the Director of Student Affairs will be notified and proceed accordingly.
- The Registrar or VPA will review the investigation file into misconduct by a student and determine within seven days that sanctions may be warranted and no Discipline Hearing is required.
- In the event that a complaint is dealt with by the Registrar or VPA without a hearing, a respondent or complainant may appeal the decision (Notice of Appeal) of the Registrar or VPA by setting out in writing a request that a hearing be directed pursuant to this policy.
- The Notice of Appeal shall be in the form as approved by CMCC and must be received by the Registrar within seven days of the student having been notified, in writing, of the decision of the Registrar or VPA. Upon receipt of the Notice of Appeal, the Registrar shall direct that a hearing take place before a constituted Discipline Board.
- In the event that there shall be a conflict with respect to the Registrar or VPA acting with regard to the above, the President shall appoint a person to stand in the place of the Registrar or VPA.

## **3. Alternate Dispute Resolution**

- a. Breaches of conduct may, at the discretion of the Registrar or VPA be referred for alternate dispute resolution.
- b. In the situation where a decision has been reached through an alternate dispute resolution, the parties involved shall, at the direction of the Registrar, attend before a

Discipline Board, which may choose to accept, reject or amend the decisions reached through the alternate dispute resolution.

- c. In the event of a rejection of the alternate dispute resolution decision, the matter shall proceed to a hearing before a Discipline Board constituted of new members who have not dealt with the matter previously.

#### **4. Initiating a Disciplinary Hearing**

- a. The Registrar or VPA may review the investigation file into misconduct by a student and determine after the result of an investigation that the matter be referred to a Discipline Hearing.
- b. With respect to all disciplinary issues, the Director, Student Affairs shall be available to inform the student regarding the processes and procedures.

#### **5. Discipline Board Hearings**

- a. Members of the Discipline Board (Board)
  - i) The Board appointed under this policy to deal with an alleged offence by a student shall be appointed by the Registrar, and consist of the President of Students' Council or another member of Students' Council if the President is unable to sit on the Board, a student representative from a class other than that of the respondent, and three employees who carry an academic rank, each of whom shall have a vote.
  - ii) The Director, Student Affairs shall be an ex-officio member of the Board, with no voting privileges.
  - iii) The Registrar shall appoint as Chair, who shall be a non-student member from among the members of the Board. The Chair shall preside over all matters under the Board's jurisdiction and shall also have a vote.
  - iv) The Registrar may act as or appoint an investigator to compile all relevant information necessary relating to the complaint and investigation, and to participate at any proceedings that take place pursuant to the complaint.
  - v) In addition, the Registrar may appoint an individual to prosecute the complaint on behalf of CMCC.
  - vi) The Registrar may appoint a clerk to compile and retain all records of a hearing, and to attend at all hearings for the purpose of fulfilling any directions of the Board, such as the reading of a charge and the affirming of witnesses.
  - vii) A person appointed by the Registrar as investigator, prosecutor or clerk may hold multiple positions.
  - viii) In the event that a member of the Board shall be unable or unwilling to act, the member shall be replaced by an alternative member appointed by the Registrar.
  - ix) In the event that any member of the Board cannot act as a result of bias or otherwise, an alternative member shall be appointed by the Registrar.

b. Notice of Hearing

- i) The Board shall notify the respondent that a hearing will take place within seven days of them receiving notification by the Registrar that a hearing shall be constituted.
- ii) The Director, Student Affairs shall give all parties notice of the hearing, which shall include:
  - a statement of the time, place and purpose of the hearing
  - a statement that if the party/ies notified do not attend at the hearing, the Board may proceed in their absence, and the party/ies will not be entitled to any further notice in the proceedings.
- iii) Delivery of notices of hearing shall be undertaken in accordance with CMCC's Email – Students policy.

c. The Hearing

- i) Subpoena: The Board, on its own or at the request of the respondent or prosecution, shall issue a subpoena directing any student or employee to attend at a hearing. Any person failing to comply with the terms and directions for the subpoena shall be subject to any sanction imposed by the Board for what would constitute an infraction as defined by this Policy.
- ii) Attendance of Board Members: At least one member of the Board shall attend at the time and place set out in the Notice of Hearing, at which time the complaint shall be read to the respondent, a plea to the charges may be made by the respondent, and a date shall be set for the adjudication of the complaint.
- iii) Non Attendance: Where the Notice of a Hearing has been given to a party to any proceedings in accordance with this policy and the party does not attend at the hearing, the Board may proceed in the party's absence and the party is not entitled to any further notice in the proceedings.
- iv) Public Attendance: A hearing may be open to the public except where the Board, in its sole discretion, is of the opinion that the matter should be held in the absence of the public with only those persons allowed to attend as determined by the Board.
- v) Order and Direction: The Board may make such order or give such direction as it considers necessary for the maintenance of order at the hearing and/or any proceedings that take place under and pursuant to the direction of the Board; and, if any person disobeys or fails to comply with any such order or direction, the Board may impose such penalty as it deems appropriate against any offender.
- vi) Rights of the Respondent: At the hearing a respondent may, at their discretion:
  - be represented by counsel or an agent, or act on their own behalf
  - call and examine witnesses and present their arguments and submissions
  - conduct cross-examinations of witnesses at a hearing that may be reasonably required for a full and fair disclosure of the facts in relation to which they have given evidence
  - choose to testify or not testify on their own behalf.

- vii) Testimony: Testimony shall be given by a witness after being advised by the Chair as to the requirement to tell the truth, a warning as to the consequences if such evidence is not truthful, and an undertaking by the witness to abide by the same.
- viii) Evidence and Information: The Board may, in making its decision:
  - take notice of facts that may be judicially noticed
  - take notice of any generally recognized scientific or technical facts, information or opinions within its scientific or specialized knowledge
  - admit, upon the Board being satisfied as to their authenticity, any documents or other things.
- ix) Board Decision: A decision of the Board shall be:
  - based upon a majority decision of the Board
  - kept confidential to the extent determined by the Board.

The Chair will prepare and deliver to the Registrar a written decision setting out the reasons for the decision within five business days of the conclusion of the hearing. The members of the Board shall confirm or reject acceptance and approval of the written reasons. Dissenting members need not set out a reason for their vote unless they wish to do so.

- x) Notice of Decision:
  - The Registrar will provide the student with the written decision of the Discipline Board within five business days of the receiving of the Decision.
- xi) Penalty: The Board may impose one, more than one, or any combination of the following penalties:
  - fine
  - restitution
  - suspension
  - expulsion
  - such further and other penalty as the Board may deem appropriate.
- xii) Disciplinary decisions rendered by the Discipline Board as they relate to the student having been found guilty of an academic offense will be recorded on the student's transcript. Other disciplinary decisions as they relate to a guilty finding on a non-academic offense may be recorded on the transcript at the discretion of the Registrar.
- xiii) No Decision: In the event that the Board is unable to come to a decision:
  - it shall immediately notify the Registrar
  - the Registrar may direct new proceedings to be commenced, or direct that the complaint be withdrawn, in which case no further proceedings may be instituted pursuant to this charge
  - the Director, Student Affairs, shall notify the respondent of the Registrar's decision.
- xiv) Record of Proceedings: The Board shall not be required to keep a detailed account or testimony of the proceedings, but must compile a record of proceedings (which is stored in CMCC's corporate file), and which shall include:
  - any complaint by which the proceedings were commenced

- the notice of any hearing
  - any intermediate orders made by the Board
  - the decision of the Board, and the reasons therefore.
- xv) **Timeliness:** In the event that a penalty imposed by the Board is not satisfied within the time prescribed by the Board, it may impose such further and other penalty as it deems appropriate with the agreement of the Registrar.
- xvi) **Indemnity:** No action or proceeding whatsoever shall be commenced against any member of the Board for their having participated in the activities of the Board.
- xvii) **Irregularities:** No decision of the Board shall be set aside as the result of any irregularities which take place, except at the sole discretion of the Board. The Registrar may extend the time requirements set out in this enactment, at their sole discretion.
- xviii) **External Review:** Save and except for an appeal to the CMCC Board of Governors relating solely to a decision with a penalty of expulsion, no decision, order, direction, declaration or ruling of the Board shall be subject to appeal, question, or review in any court; and no order shall be made or process entered or proceedings taken in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, judicial review or otherwise, to question, review, prohibit or restrain the Board or any of its proceedings.

The review by the CMCC Board of Governors shall be limited to the penalty imposed and shall be undertaken by the Executive Committee of the Board of Governors, in writing, by virtual means, or in person as it shall, in its sole discretion, determine appropriate. The time for the hearing of an Appeal to the CMCC Board of Governors shall be determined by the Chair of the CMCC Board of Governors and notification of same shall be undertaken by the Registrar.

At an Appeal relating to the External Review, the respondent and the prosecutor shall be entitled to make written or oral submissions as determined by the Chair.

There shall be no further appeals.

6. A decision of the Discipline Board made pursuant to this policy shall supersede and render null and void the decision of the Registrar.

**New Procedure Approved (date):**  
Academic Discipline Policy – October 1999

**Procedure Revision History (dates):**  
April 25, 2013 - Discipline  
June 26, 2014  
April 25, 2019

## 8 ATTACHMENTS

None