

Complete Policy Title:  
**McMaster University Student Code of  
Conduct**

Approved by:  
**Senate**

Date of Original Approval(s):  
**February 9, 1983**

Responsible Executive:  
**Associate Vice-President (Student Affairs)  
and Dean of Students**

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Enquiries:  
**University Secretariat**

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## PREAMBLE

1. All students and Student Groups are expected to maintain a high standard of conduct based on the Statement of Student Rights and Responsibilities, attached as Appendix A, and that is appropriate to a community of scholarship and learning.
2. The purpose of this Student Code of Conduct is to outline the limits of conduct considered consonant with the goals and the well-being of the University community, and to define the procedures to be followed when students fail to meet the accepted standards of behaviour.
3. Students have a responsibility to familiarize themselves with the University regulations and the conduct expected of them while studying at McMaster University.
4. The University reserves the right to take necessary and appropriate action to protect the safety and welfare of the campus community.

## AUTHORITY OF SENATE FOR STUDENT CONDUCT AND DISCIPLINE

5. The authority for establishing a Student Code of Conduct lies with the Senate as defined in **The McMaster University Act, 1976**, S.O. 1976 chap. 98.

Section 13 states:

**"The Senate has power to, ... (f) control and regulate the system of education pursued in the University and the conduct, activities and discipline, including suspension or expulsion, of the students thereof."**

6. When University regulations are violated, the responsibility for final decisions regarding possible disciplinary action rests with certain officers and committees established by Senate to act on its behalf. The Associate Vice-President (Student Affairs) and Dean of Students will administer the Student Code of Conduct.

## DEFINITIONS

7. When used in this Code:

"Guest" means a person who is visiting a Student on campus.

"Peer Conduct Board" see Appendix B.

"Peer Conduct Board Hearing" means the adjudication process carried out by the Peer Conduct Board.

"Primary Event Organizer" means the individual who is leading the planning and implementation of an Event under the Student Event Risk Management Policy.

“Review Meeting” means the process used to address a Student’s behaviour when there are extenuating medical circumstances.

“Resolution Agreement” means an agreement entered into by a Student and the Associate Vice President (Student Affairs) and Dean of Students following a Review Meeting.

“Student” means a person who is registered in a course of study approved by the Senate.

“Student Affairs Administrator” means an individual appointed by the Associate Vice-President (Student Affairs) and Dean of Students to hear allegations of misconduct under the Code.

“Student Affairs Hearing” means the adjudication process carried out by the Student Affairs Administrator or the Associate Vice-President (Student Affairs) and Dean of Students.

“Student Conduct Officer” and “SCO” means an individual appointed by the Associate Vice-President (Student Affairs) and Dean of Students to investigate.

“Student Groups” means University Recognized Student Groups and groups of student volunteers (e.g. Welcome Week representatives, etc.). (see Policy on the Recognition of Student Campus Groups)

“Student Host” means a person who has a Guest on campus.

“University Premises” means buildings and lands owned, leased, operated, controlled or supervised by the University and includes places or facilities used for the provision of the University’s courses, programs or services or for University approved or sponsored events or activities.

“University Recognized Student Group” includes the following organizations: (i) student groups that have been recognized under the McMaster Student Union Operating Policy – Clubs Recognition; and (ii) student groups that have been recognized under the University Policy on the Recognition of Student Groups.

In this document, words in the singular may, when the context so warrants, signify the plural.

## SCOPE

8. This Code applies to unacceptable conduct by Students while on University Premises or when acting as a delegate or designated representative of McMaster University and/or of a Student Group in events off campus.
9. Students are expected to be individually responsible for their actions whether acting individually or in a group.
10. The University reserves the right to take necessary and appropriate action to protect the safety and welfare of the campus community notwithstanding this Code. This may include taking necessary

and appropriate action in cases where a Student is accused of serious conduct, and there is a clear nexus to the campus community regardless of where the conduct occurred or is alleged to have occurred.

11. Any Student found responsible for misconduct is subject to the disciplinary sanctions of this Code, regardless of the action or inaction of civil authorities.
12. A Student Host is responsible for the conduct of his/her Guest, including any violation(s) of this Code to the extent that s/he could have (i) reasonably foreseen the problem, and/or (ii) taken steps to prevent the violation, and/or (iii) minimized the effect of the Guest's behaviour.
13. Responsibility of Student Groups:
  - (a) Student Groups may be held responsible for violations of the Student Code of Conduct. They may be held responsible for violations if the misconduct occurs (i) on University Premises; (ii) at events off-campus organized by the group.
  - (b) The leaders, officers or any identifiable spokesperson (hereinafter referred to as "leaders") of a Student Group may be held collectively and/or individually responsible when such violations are committed by persons associated with the group who have received consent or encouragement from the group's leaders or if those leaders knew that such violations were being or would be committed.
  - (c) The leaders of a Student Group may be directed to take action by the Associate Vice-President (Student Affairs) and Dean of Students or other University official designated to prevent or end violations by the group or by any persons associated with the group. Failure to comply with a directive may be considered a violation of this Code, both by the leaders of the group and by the group.

## RELATED POLICIES

14. The following are governed by codes of conduct or regulations and disciplinary procedures separate from this Student Code of Conduct:
  - (a) human rights offences (including sexual harassment and discrimination);
  - (b) academic dishonesty offences;
  - (c) offences under the Residence Code of Conduct;
  - (d) library offences;
  - (e) parking offences;
  - (f) offences by students holding Teaching Assistantships, acting in their role as Teaching Assistants (such students should note that additional provisions about their status as University employees are contained in their collective agreement between McMaster University and CUPE, Local 3906);
  - (g) offences under the Athletic Code of Conduct;
  - (h) violations of the Telecommunications Policy;
  - (i) violations of any Computing and Information Services (CIS) policies;

- (j) violations under the University Policy on the Recognition of Student Groups.
15. Normally the policies listed above act independently of one another. In serious circumstances, more than one of these policies may apply. Any question of the application of this Code or related policies shall be determined by the Associate Vice-President (Student Affairs) and Dean of Students in conjunction with the administrator of the other policy or policies. Where the alleged violation is processed solely under this Code the sanctions in the other relevant policy or policies shall be incorporated in their entirety into the terms of this Code.

## PROHIBITED CONDUCT

16. The primary objective of this Code is not to be punitive but rather to be a guideline for appropriate behaviour in a diversified educational environment. The conduct described in Sections 17 and 18 constitute violations under this Code.

## MINOR OFFENCES

17. Minor Offences are actions by a Student or a Student Group against McMaster community standards. Examples of Minor Offences listed in Appendix C. Possible sanctions for Minor Offences are listed in Section 38 (a) to (j).

## MAJOR OFFENCES

18. Major Offences are actions by an individual or a Student Group which endanger the safety and/or security of another individual or the McMaster community or are actions which contravene any municipal, provincial or federal law. Examples of Major Offences are listed in Appendix D. Possible sanctions for Major Offences include all sanctions listed in Section 38.

## PROCEDURES FOR HANDLING MISCONDUCT

19. The existence of these procedures does not preclude any individual from proceeding under the laws of the land against another individual, nor does it preclude the Office of Security Services from carrying out its responsibilities. Proceedings under the Student Code of Conduct may be carried out prior to, simultaneously with, or following other off-campus proceedings, including civil or criminal proceedings, at the discretion of the Associate Vice-President (Student Affairs) and Dean of Students.
20. The preferred approach to resolving issues of student misconduct is through informal resolution, especially for minor offences or where there are extenuating medical circumstances. Informal resolution can take place between the Student Conduct Officer (SCO) and the student where corrective action might be taken, without formal hearing proceedings. Other campus partners may be consulted in the informal resolution process, where appropriate and subject to confidentiality considerations (e.g. Centre for Student Development, Campus Health, Faculty Offices).

21. An individual who thinks that prohibited conduct, as defined in this Code, has occurred should refer the case to the SCO. Normally an allegation of misconduct may not proceed through the subsequent steps described in this Code until the allegation is submitted in writing and duly signed.
22. Records of previous misconduct will be considered only when (i) determining who shall hear a case, and (ii) following a finding or admission of misconduct for the purposes of determining an appropriate sanction(s) or resolution.
23. All notices and other written communications under this Code to the Student or any other member of the University shall be by personal delivery, regular mail, campus mail, priority post, courier or registered mail. If sent by regular mail, service will be deemed effective on the fifth day after the documents are mailed. If sent by campus mail, service will be deemed effective on the third day after the documents are mailed. In the case of Students, all documents will be sent to the currently active address as recorded in the Registrar's Office, unless the Student requests in writing that they be sent to another address.

### **INTERIM SUSPENSION**

24. In exceptional circumstances, e.g. where the health and safety of the Student or members of the University community are compromised, the Provost or designate may alter or suspend the rights of a Student to be present on campus or to attend classes for an interim period before the case is resolved under this Code.
25. Within seventy-two (72) hours following the imposition of interim suspension, the Student shall be informed in writing of the reasons for the suspension. The Student shall also be afforded the opportunity to respond to the allegations being made against him or her. Following that opportunity to respond, the Provost or designate will then reassess the decision to suspend, and either revoke or continue it.
26. The alleged violation that lead to the interim suspension shall be investigated and heard in accordance with the procedures contained within this Code.

### **INVESTIGATIONS AND OUTCOMES OF INVESTIGATIONS**

27. The SCO shall commence an investigation within seven (7) working days of receipt of the written allegation of misconduct unless the SCO determines that the seriousness of the alleged offence warrants that it be referred to Security Services for investigation. An investigation shall include an opportunity for the Student involved to respond to the alleged violation(s).
28. If the SCO concludes that there has not been misconduct, s/he shall not proceed. All parties will be informed in writing and there will be no further proceedings. The individual alleging the misconduct may request that the SCO's decision be reviewed by the Student Affairs Administrator. If s/he determines the case should proceed, it will be forwarded to the Peer Conduct Board for a Hearing.
29. If the Student admits to the alleged violation, the SCO may, after completing the investigation

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- (a) Levy a sanction consistent with those levied in similar cases, up to and including those listed in Section 38 (a) to (j) and notify the Student in writing of the decision or,
  - (b) Direct the case in accordance with Section 30 below if in the SCO's opinion the sanction should be more severe than in (a) Above, or if the case otherwise warrants a hearing or,
  - (c) Direct the case to proceed in accordance with section 34 (b) where a Student requests a Review Meeting and the Student has established to the satisfaction of the SCO that he/she has extenuating medical circumstances that may have contributed to the behaviour.
30. If the SCO concludes there is sufficient evidence of alleged misconduct, the Student will be so informed in writing and shall have the opportunity to choose to have the matter adjudicated by the Student Affairs Administrator or Peer Conduct Board Hearing<sup>1</sup>. However, if the SCO concludes the seriousness of the alleged offence or the number of offences in the accused Student's record warrants, s/he will refer the case to the Associate Vice-President (Student Affairs) and Dean of Students for a Student Affairs Hearing.
31. Every reasonable effort will be made to notify the Student of a hearing date within ten (10) business days after the Student responds to Section 27. In the event that the Student fails to respond as directed, the SCO shall proceed to arrange a Student Affairs Hearing. The Student shall be notified in writing of the date and place of the Hearing. The Hearing will be scheduled at least two (2) business days after receipt of the notification.

## PROCEDURES FOR HEARINGS AND REVIEW MEETINGS

32. Procedural Guidelines for hearings and Review Meetings under this Code are outlined in Appendix E and F respectively.

## BURDEN AND STANDARD OF PROOF

33. At each stage of decision-making under this Code, the onus of establishing that there has been a violation of the Code or misconduct by the Student shall be on the University authority. Decisions will be based on a preponderance of evidence, meaning the evidence shows it is more likely than not the alleged violation occurred. The degree of probability should be proportionate to the seriousness of the allegations and the gravity of the potential sanctions.

## FINDINGS OF HEARINGS AND REVIEW MEETINGS

34. The Student Affairs Administrator or the Peer Conduct Board or the Associate Vice-President (Student Affairs) and Dean of Students may take action within the following terms:
- (a) Refer the case, if appropriate or necessary, to McMaster Security Services for further investigation.

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<sup>1</sup> Every effort shall be made to hear cases during the school year when the PCB is available; however, when the PCB is unavailable, the case may be heard by a Student Affairs Hearing at the discretion of the SCO. Between May and August, all cases shall be heard by way of a Student Affairs Hearing. The Student Affairs Hearing process may be varied to accommodate the Student who cannot attend personally in Hamilton, in accordance with Appendix E.

- (b) Direct the case, if requested by the Student, to a Review Meeting following a finding of misconduct and prior to sanctioning, where a Student has established to the satisfaction of the decision maker that he/she has extenuating medical circumstances that may have contributed to the behaviour.
- (c) Following a Student Affairs Hearing, the Student Affairs Administrator or the Associate Vice-President (Student Affairs) and Dean of Students may:
  - (i) dismiss the case, or
  - (ii) make a finding of misconduct and impose a sanction(s) contained in Section 38.

The decision of the Associate Vice-President (Student Affairs) and Dean of Students is final unless the decision imposes a sanction of suspension or expulsion (see Section 44).

- (d) Following a Peer Conduct Board Hearing, the Peer Conduct Board may recommend to the Student Affairs Administrator any of the actions outlined in Section 34 (c) (i) and (ii). The Student Affairs Administrator shall accept the Peer Conduct Board's recommendation except where:
  - (i) there has been substantial procedural error(s), in which case the matter will be referred back for re-hearing, or
  - (ii) the sanction is not consistent with the sanctions imposed in similar cases, in which case, s/he, after hearing from the Student and the Chair of the Peer Conduct Board, as appropriate, may substitute her/his decision as to the sanction.
- (e) Following a Review Meeting, the Student and the Associate Vice President (Student Affairs) and Dean of Students may enter into a Resolution Agreement. The Resolution Agreement may, in the case of less serious offence(s), permit the Student to voluntarily withdraw, as outlined below. Otherwise, the Resolution Agreement may contain any of the sanction(s) in Section 38 of this code and/or any other terms or conditions acceptable to both parties. In the event that the parties fail to enter into a Resolution Agreement, the Associate Vice President (Student Affairs) and Dean of Students may impose a sanction(s) listed in Section 38.

Voluntary withdrawal means that a student agrees to discontinue studies in a particular course or program for either a specified period of time and/or until imposed condition(s) are met. In addition, the Student may be required to fulfill specified non-academic conditions upon return.

- 35. The decision of the Student Affairs Administrator or the Associate Vice-President (Student Affairs) and Dean of Students shall be communicated in writing to the parties and to any other University officer deemed appropriate or necessary by the Student Affairs Administrator or the Associate Vice-President (Student Affairs) and Dean of Students. Where appropriate, the Student shall also be advised of any right to appeal.

36. A decision takes place immediately and filing an appeal will not stay the implementation of any sanction imposed.
37. It is the responsibility of the Student Affairs Administrator to ensure the implementation of the sanction.

## SANCTIONS

38. Sanctions may be used independently or in combination for any single violation. Repeated and/or multiple violations shall increase the severity of sanctions applied. Sanctions are listed in order of severity from least severe to most severe.
  - (a) **Written Warning:** This sanction is a notice given to an offending Student indicating the date, time, and nature of the offence. Such behaviour must stop and repeat offences may result in more severe sanctions.
  - (b) **Educational Sanctions:** Completion of specific activities as deemed appropriate. These may include, but are not limited to, service to the University or greater community, participation in educational seminars, written assignments, and written or oral apologies.
  - (c) **Restitution:** This sanction requires restitution to be made to another Student(s) or the University for any loss or damage to personal or University property.
  - (d) **Behavioural Contract:** A set of behavioural expectations, terms and conditions that is developed with the Student and signed by the Student and Judicial Affairs. With his/her signature, the Student is agreeing to the expectations being placed upon him/herself and is aware that any breach of this contract constitutes an offence and may result in more serious sanctions including suspension or expulsion from the University..
  - (e) **Behavioural Bond:** Students are required to provide a sum of money up to a maximum of \$500.00 for a specific period of time [maximum one (1) academic year] and sign and abide by a contract as outlined in (d) of this document. If, at the end of that time, the Student has not breached the contract, the money will be returned. If they do breach the contract, any money collected will be used by the Office of Judicial Affairs for educational purposes and more severe sanctions may be imposed.
  - (f) **Fines up to \$500.00:** Fines may be applied for the following purposes: to students for failure to complete an assigned sanction; who are found in violation and refuse to participate in or fail to complete alternative sanctions; for violation of Major B (up to \$130.00); repeat offences. In addition, repeat offences may result in increased fines. Any money collected will be used by the Office of Judicial Affairs for educational purposes.
  - (g) **Loss of Privileges:** Loss of specified privileges for a designated time period. The lost privileges may include, but are not limited to, parking privileges, library privileges and extra-curricular activities.

- (h) **Persona Non Grata (PNG):** *Persona non grata* is the designation given to an individual who is denied the privilege of entering specific parts of the University. If PNG individuals are found or seen in the area they are denied, then they will be subject to a charge by McMaster Security Services under the Trespass to Property Act.
- (i) **Suspension:** Loss of all academic privileges at the University for a specified period of time and/or until imposed conditions are met. The Student is eligible to return after this time but may be required to fulfill specified non-academic conditions upon return. The suspension is noted on the Student's transcript (see Section 47 for further details).
- (j) **Expulsion:** Loss of all academic privileges at the University for an indefinite period. The expulsion is noted on the Student's transcript (see Section 48 for further details).

## APPEALS

- 39. Appeals are to be filed in letter format and are to be submitted to the Department of Student Affairs within ten (10) business days of receiving the decision. The appeal must contain a copy of the decision, a full statement of the grounds for the appeal, the outcome sought, and any relevant supporting documentation.
- 40. Parties to the appeal shall include:
  - (a) the Appellant who shall be the Student or Student Group, and
  - (b) the Respondent who shall be the University authority or officer whose decision is being appealed.
- 41. Appeals shall be heard as follows:
  - (a) The SCO's decision as to sanction (Section 29) may be appealed to the Student Affairs Administrator.
  - (b) Decisions of the Student Affairs Administrator may be appealed to the Associate Vice-President (Student Affairs) and Dean of Students.
- 42. The individual or body considering the appeal may, after reviewing the case:
  - (a) uphold the findings and/or sanctions;
  - (b) reverse the findings;
  - (c) reverse or modify the sanctions; or
  - (d) determine that there was a procedural error and ask the original individual or body to re-hear the case.

43. All appeal decisions will be communicated to the Student in writing, with reasons and where appropriate, the Student shall be advised of any further right of appeal.
44. Decisions of the Associate Vice-President (Student Affairs) and Dean of Students pursuant to Sections 34 (c) and 34 (e) that impose a sanction of suspension or expulsion may be appealed to the Senate Board for Student Appeals. Refer to the Student Appeals Procedures available at [www.mcmaster.ca/policy/](http://www.mcmaster.ca/policy/) or from the University Secretariat.

#### STUDENT'S STATUS - TRANSCRIPTS, REGISTRATION, AND NOTATIONS

45. While under investigation for a violation of the Student Code of Conduct, a Student shall not be permitted to withdraw formally from the University.
46. The SCO shall inform the Office of the Registrar when charges of misconduct are made against a Student. While under investigation for misconduct, the Student will not be issued transcripts directly, but, at the Student's request, transcripts will be sent to institutions or potential employers. If the Student is subsequently found to be in violation of the Student Code of Conduct and the sanction results in suspension or expulsion and a notation is made on the transcript, the recipients of the transcript will be so informed.
47. In the case of suspension the notation will read: "Suspended for Student Code of Conduct Violation by the Senate for \_\_\_ months (Date)." A Student may petition Senate to remove the transcript notation after the minimum time specified by the Associate Vice-President (Student Affairs) and Dean of Students or Senate Board for Student Appeals, as the case may be, when the suspension was imposed has elapsed.
48. In the case of expulsion the notation will read: "Expelled by the Senate for Student Code of Conduct Violation." If the Senate at some later date reinstates the Student, this will be followed by the notation: "Reinstated by the Senate (Date)." Such a notation may be removed from a Student's transcript on petition to Senate, but not before five (5) years after the penalty commences.

#### RECORDS

49. Records shall be kept by the Associate Vice-President (Student Affairs) and Dean of Students for all cases, unless it is concluded that there has been no misconduct, or that there is insufficient evidence to support the allegation. Any time a sanction has been imposed or a Resolution Agreement entered into, the records, audiotape, and notes of the SCO, the Student Affairs Administrator and the Associate Vice-President (Student Affairs) and Dean of Students shall be kept and may have a bearing on the sanction levied in a future case.
50. Decisions of the SCO, the Student Affairs Administrator and the Associate Vice-President (Student Affairs) and Dean of Students, including a summary of the misconduct and the sanction, shall be reported, anonymously and in statistical form, annually to Senate.

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## APPENDIX A: STATEMENT ON STUDENT RIGHTS AND RESPONSIBILITIES

Complete Policy Title: **STUDENT RIGHTS AND RESPONSIBILITIES**

Policy Number (if applicable): **n/a**

Approved by: **Senate**

Date of Most Recent Approval: **May 24, 1995**

Revision Date(s):

Position Responsible for Developing **Associate Vice-President (Student Affairs) and Dean**  
and Maintaining the Policy: **of Students**

Contact Department: **University Secretariat**

### POLICY

McMaster University is a community dedicated to furthering learning, intellectual inquiry, the dissemination of knowledge, and personal and professional development. Membership in this community implies acceptance of the principle of mutual respect for the rights, responsibilities, dignity, and well-being of others, and a readiness to support an environment conducive to the intellectual and personal growth of all who study, work and live within it.

The University regards and treats students as responsible individuals who are free to organize their own lives, behaviour and associations, subject to the laws of the land and to University regulations. These laws and regulations exist in order to ensure the rights of all members of the McMaster community. With respect to students, these rights, and the responsibilities that accompany them, include, but are not limited to, the following:

1. Of course, you retain all your ordinary RIGHTS as a citizen when you become a member of the University community. By the same token, as a student you continue to have the RESPONSIBILITY to abide by all Federal, Provincial and Municipal laws and regulations in addition to the University's own policies. The University may decide to impose and enforce its own discipline procedures, pursuant to its policies, in addition to any enforcement procedures of civil authorities.
2. Subject to availability of the University's resources, you have the RIGHT to participate unhindered in the academic, intellectual, cultural and social life of the University. You have the RESPONSIBILITY to respect the rights of others to the same participation by refraining from actions that threaten or disrupt classes, meetings, events or other academic activities, or that prevent others from freely expressing their views.

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3. Pursuant to the laws of Canada and Ontario, you have the RIGHT to the safety and security of your person in an environment free from harassment, intimidation, discrimination or assault. You have the RESPONSIBILITY to treat others with respect and to refrain from acts of harassment, intimidation, discrimination or assault.
  4. Pursuant to the laws of Canada and Ontario, you have the RIGHT to the safety and security of your personal property. You have the RESPONSIBILITY to refrain from acts of theft, wilful destruction or vandalism of the property of others.
  5. Subject to your compliance with University policies and rules, you have the RIGHT to the free and peaceful use of University property, grounds and facilities for all legitimate purposes. You have the RESPONSIBILITY to respect and maintain the integrity of such property, grounds and facilities so they may be equally available to others.

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## APPENDIX B: PEER CONDUCT BOARD

The Peer Conduct Board is normally made up of twenty (20) McMaster University undergraduate, graduate, or part-time students in good academic standing.

Each Peer Conduct Board member shall be appointed for a renewable one-year term.

The members of the Peer Conduct Board shall be selected annually (or more often, if required) by a selection process to be determined each year by Student Affairs. The process shall include advertising the positions in appropriate student publications.

All Peer Conduct Board members shall receive appropriate training to discharge their responsibilities.

The Hearing of a case referred to the Peer Conduct Board shall be before a panel of a minimum of three members ("the Panel"). The Panel shall choose one member as the Chair ("the Chair"). This person serves to chair the deliberation portion of the hearing and ensures that a decision is made in a timely fashion.

No one shall serve on a Panel who has any direct interest or prior involvement in the case under consideration. Both the Student and the Panel member who feels there is a conflict are expected to express this to the Facilitator prior to the beginning of the hearing.

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## APPENDIX C: MINOR OFFENCES

Minor Offences include, but are not limited to:

- (a) making excessive noise;
- (b) engaging in any kind of communication towards another individual or group which may be considered to be intimidating, and/or degrading;
- (c) smoking in non-designated areas according to the University Smoking Policy;
- (d) abusing or hindering the Student Code of Conduct process;
- (e) engaging in disruptive behaviour. Disruptive behaviour is behaviour in class or out of class which, for any reason disrupts the class work of others or invades the rights of others;
- (f) failing to comply. Possible infractions include furnishing false information to a University official or failing to take reasonable steps to prevent a problem situation from occurring or if it occurs, to prevent it from escalating to a more serious level;
- (g) any unauthorized entry or presence in a University building;
- (h) assisting with or conspiring in any prohibited conduct as defined in this Code; and,
- (i) failing to complete a sanction for a minor offence.

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## APPENDIX D: MAJOR OFFENCES

Major Offences include, but are not limited to:

- (a) contravening the Liquor Licence Act (LLA) and/or the McMaster Alcohol Policy as it relates to the consumption by and/or service to individuals under 19 years of age. Possible infractions include, but are not limited to, possessing and/or consuming alcohol in a public place, distributing alcoholic beverages to individuals who are under 19 years of age, and any unsafe practice related to alcohol use (determined by Student Affairs);
- (b) possessing, using, selling, or being under the influence of illegal drugs and/or the use of medication for purposes other than those for which they were prescribed;
- (c) possessing, storing or using and/or misusing any firearm, weapon hazardous material or explosive substance;
- (d) failing to comply. Possible infractions include, but are not limited to, failing to comply with the direction of McMaster Security Services officers or University officials, furnishing false information to a University official, etc.;
- (e) fraud. Possible infractions include, but are not limited to, misusing any kind of identification card, credit card, meal card, smart card, password, and/or telephone calling card, furnishing false information;
- (f) vandalism. Tampering, defacing or damaging property that is not one's own, including, but not limited to, intellectual property, computer files and programmes, property of the University, and personal property;
- (g) stealing, possessing or copying property that is not one's own, including, but not limited to, intellectual property, computer files and programmes, property of the University and personal property;
- (h) engaging in disruptive behaviour. Disruptive behaviour is behaviour in class or out of class which involves substantial disorder and/or disrupts the operation of the University;
- (i) engaging in physical actions which are threatening, physically abusive and/or compromise the safety and security of an individual and/or group;
- (j) engaging in verbal or non-verbal behaviour or communication toward an individual or group which is considered to be intimidating, harassing and/or discriminatory;
- (k) tampering with fire and emergency equipment including, but not limited to, fire bells, fire extinguishers, fire hoses, disconnecting or blocking fire alarms, blocking or wedging open fire and smoke doors, blocking exit routes, stairwells and corridors, etc.;
- (l) setting unauthorized fires;

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- (m) any unauthorized use of University facilities and/or equipment;
  - (n) trespassing: fraudulently gaining or attempting to gain entry on University property;
  - (o) any misuse of University keys;
  - (p) publicly displaying and/or making pornographic material available anywhere on the University campus;
  - (q) failing to follow risk management procedures as contained in the Student Event Risk Management Policy; and,
  - (r) failing to complete a sanction for a major offence.

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## APPENDIX E: PROCEDURAL GUIDELINES FOR A HEARING

Hearings convened under this Code are not bound by strict legal procedures. The following procedural guidelines are designed to assist Parties in preparing and presenting their case(s) and to ensure that all Parties are fully aware of the evidence and are given a fair opportunity to be heard during the process. In the event that a Hearing is held to consider an appeal, these procedures should be modified appropriately and in accordance with the Code.

### Parties to a Hearing

1. Parties to a Peer Conduct Board or Student Affairs Hearing shall include the SCO or the Security Officer investigating the case and the Student against whom the allegation of misconduct has/have been made.

### Notice of Hearing

2. The Student shall be given reasonable written notice of the Hearing in accordance with Section 22 of this Code.

### Open/Closed Hearings

3. Hearings are normally open to the public, but any Party to the proceeding may request a closed Hearing on the basis that an open Hearing may adversely affect his or her interests.
4. The Peer Conduct Board ("PCB") or the Student Affairs Administrator ("Administrator") [hereinafter collectively referred to as the "decision-makers"] shall determine, in his/her/their sole discretion, whether sufficient cause for closing exists.

### Scheduling of a Hearing

5. An attempt shall be made to schedule the Hearing at a time and place convenient for all Parties. However, if a Party, who has been notified of a Hearing date, is absent without contacting the Department of Student Affairs or without providing a satisfactory explanation, the Hearing may proceed in his/her absence.

### Similar Questions of Fact/Policy

6. If two or more proceedings before the PCB or the Administrator involve the same or similar questions of fact or policy, the PCB or the Administrator may:
  - (a) combine the proceedings or any part of them,
  - (b) hear the proceedings at the same time, or
  - (c) hear the proceedings one immediately after the other.

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## Advisor

7. The Student shall have the right to have an advisor present at the Hearing. Such advisor may consult with the Student, but shall not be allowed to speak at the Hearing. Advisors shall not include legal counsel for the purposes of these Hearings.

## Evidence

8. The Student is entitled to receive, prior to the Hearing, reasonable particulars of the allegation(s) against him/her.
9. Parties to the Hearing have the right to present evidence, including written statements, in support of their case, prior to and at the hearing, and to see any written evidence presented at the Hearing.
10. The decision-maker may admit as evidence at a Hearing any oral testimony and any document, written statement or other thing, relevant to the subject matter of the proceeding. The PCB or the Administrator is not bound by the laws of evidence applicable to judicial proceedings.
11. The decision-maker may require the production of written or documentary evidence by the Parties or by other sources.
12. The PCB or the Administrator must not hear evidence or receive representations regarding the substance of the case other than through the procedures described in this Code.

## Witnesses

13. Parties to the Hearing have the right to call, question and cross-examine witnesses. Parties are responsible for producing their own witnesses and paying for any costs associated with their appearance.
14. Parties to the Hearing may submit witness statements as evidence. In the event that a party wishes to cross-examine a witness on his/her statement, the Hearing may be adjourned to permit the witness to appear. Alternatively, the Parties may consent to contacting the witness by telephone; provided that all Parties and the PCB or the Administrator can hear one another throughout the cross-examination of the witness.
15. The decision-maker may limit testimony and the questioning of witnesses to those matters it considers relevant to the disposition of the case.
16. The Witnesses will stay in the Hearing only while they are testifying and responding to questions.

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## Recording

17. Although the hearing shall be audio-taped in order to obtain an accurate record of the proceedings, such recording is done for convenience purposes only and the malfunction of the recording device or subsequent loss of the recording shall not invalidate, in anyway, the related hearing. The tape shall be held in confidence by the Office of the Associate Vice-President (Student Affairs) and Dean of Students for a period of three years from the date of the hearing. Any party to the appeal may request access to the tape and the reproduction thereof, upon reasonable notice and payment of the reasonable costs associated therewith.

## Order of Proceedings

18. The order of the Peer Conduct Board or Student Affairs Hearing proceedings shall be as follows:
  - (a) The SCO shall present the findings of his/her investigation and shall call any witnesses. The Student and the decision-maker shall be permitted to question each witness at the end of his/her testimony. The SCO shall be permitted to clarify any new points arising from such questioning.
  - (b) The Student shall present his/her evidence and shall call any witnesses. The SCO and the decision-maker shall be permitted to question each witness at the end of his/her testimony. The Student shall be permitted to clarify any new points arising from such questioning.
  - (c) The SCO may respond to any evidence presented by the Student in (b) above.
  - (d) The parties will be permitted an opportunity to summarize their respective cases. The summary should address both the substance of the alleged violation and the appropriate sanction in the event that the allegation is determined to be valid.

On appeal the order remains the same.

19. The decision-maker may alter the order described above in the interests of fairness to any or all parties.

## Adjournment

20. The decision-maker may grant an adjournment at any time during the Hearing to ensure a fair Hearing.

## Peer Conduct Board Voting Procedures

21. The decision of the PCB, if not unanimous, shall be based on the decision of the majority of the members. In the event that there is no majority decision as to a recommended sanction, the following procedure shall be followed. Two members of the PCB shall each submit in writing to the Chair of the PCB the disciplinary action that s/he believes is appropriate. The Chair shall select one of the two proposals as the PCB's recommendation. The Panel members shall submit to the

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Administrator their recommendation either to dismiss the case or to make a finding of misconduct and impose a stated sanction.

### **Notification of Decision**

22. The Student Affairs Administrator or Associate Vice-President (Student Affairs) and Dean of Students shall notify the Student, in writing, of their decision, with reasons, and any appeal rights. Notification shall generally occur within ten (10) working days of the Hearing.

### **Appropriate Procedures**

23. Where any procedural matter is not dealt with specifically in this Code, the decision-maker may, after hearing submissions from the parties and considering the principles of fairness, establish an appropriate procedure.
24. Any procedural requirement contained in this Code may be waived with the consent of:
- (a) the decision-maker, and
  - (b) all the Parties to the Hearing.

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## Appendix F: Procedural Guidelines for a Review Meeting

The meeting format is offered to a student, as an alternative to a more formal hearing, where a student has established that extenuating medical circumstances have contributed to his/her behaviour. The meeting is designed to allow a review of the student's behaviour in a supportive atmosphere where health experts can assist the participants in arriving at a resolution that will recognize both the student's challenges and responsibilities and the University's role in providing for the well being of the campus community.

### Participants

- 1) Participants in a Review Meeting shall include the Associate Vice-President (Student Affairs) and Dean of Students and the Student who has either admitted to, or been found to have committed, the alleged behaviour. Other participants may include healthcare providers (e.g. counsellors from the Centre for Student Development and representatives from Student Health), a support person for the Student and such other individuals as may be agreed to by the Associate Vice-President (Student Affairs) and Dean of Students and the Student in advance of the meeting.

### Notice of Meeting

- 2) The Student shall be given reasonable written notice of the meeting in accordance with Section 23 of this Code.

### Format of Meeting

- 3) At the beginning of the meeting the Participants shall discuss some appropriate ground rules to ensure that all Participants have a fair opportunity to speak and to ask and respond to questions.

### Resolution Agreement

- 4) In the event that the Student and the Associate Vice-President (Student Affairs) and Dean of Students reach agreement, they will prepare a list of points to be included in a Resolution Agreement. Within three (3) days of the meeting the Associate Vice- President (Student Affairs) and Dean of Students will prepare a Resolution Agreement incorporating the agreed points, such Agreement to be signed by the student and the Associate Vice-President and Dean of Students, or delegate. In the event that the Student does not sign and return the Resolution Agreement to the Student Affairs Office within three (3) days of receipt, the Associate Vice-President shall proceed to decide the case in accordance with the Code.

### Decision

- 5) If a Resolution Agreement is not signed in accordance with 4 above, the Associate Vice-President (Student Affairs) and Dean of Students shall notify the Student, in writing, of his decision, with reasons, and any appeal rights. Notification shall generally occur within ten (10) working days of the later of the Resolution Meeting or the student's failure to sign the Resolution Agreement.