

S.89-7

# SIMON FRASER UNIVERSITY

## MEMORANDUM

To: Senate

From: Senate Committee on  
Agenda and Rules

Subject: Revision to Terms of Reference,  
Senate Committee on Academic Discipline,  
Policy AC 51

Date: December 14, 1988

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As set out in the attached papers, action is required to allow the Senate Committee on Academic Discipline, acting under delegated authority from Senate, to deal with an appeal by a student from a penalty imposed under the University Harassment Policy, which has been approved in principle by the Board of Governors.

Motion:

"that Senate approve the following amendment to Policy AC 51, the Terms of Reference for the Senate Committee on Academic Discipline:

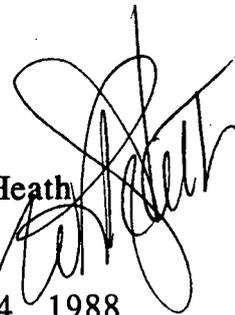
Section B. - Responsibilities

2. The Committee is established:

- a) to hear appeals from penalties imposed under 'Procedures for Dealing with Incidents of Intellectual Dishonesty', and
- b) to hear an appeal by a student from a penalty imposed under the 'University Harassment Policy' and
- c) to hear such other appeals and deal with such other matters as Senate or the Chair of Senate so directs".

**SIMON FRASER UNIVERSITY**

**MEMORANDUM**



To: W. G. Saywell  
President

From: W. Ronald Heath  
Registrar

Subject: Student Appeals - Harassment Policy

Date: December 14, 1988

The Board of Governors, at the meeting held on April 18, 1988, approved in principle the Harassment Policy for the University. The Policy provides that "the President shall impose an appropriate sanction for an offense, may provide a remedy for the complainant, or may exonerate the respondent". The general procedures for an appeal of such decision by the President are contained in *The University Act*. Any member of the teaching and administrative staffs and any officer or employee of the University has recourse to the Board on appeal, but Part 11 of *The University Act* sets out the following:

**Suspension of a Student**

58. (1) The president has power to suspend a student and to deal summarily with any matter of student discipline.

(2) On the exercise of the power, he shall promptly report his action to the standing committee established under section 36 (s)\* with a statement of his reasons.

(3) The action of the president is final and subject in all cases to an appeal to the senate.

\*Section 36 (s) - to establish a standing committee of final appeal for students in matters of academic discipline.

AC 51 comprises the Terms of Reference for the Senate Committee on Academic Discipline, the standing committee that was established under section 36 (s), and section B.2, Responsibilities, of that policy states:

"The Committee is established to hear appeals from penalties imposed on students under 'Procedures for Dealing with Incidents of Intellectual Dishonesty' and to hear such other appeals and deal with such other matters as Senate or the Chairman of Senate so directs."

W. G. Saywell  
Student Appeals - Harassment Policy  
December 14, 1988  
Page 2

Senate has not specifically delegated to the Senate Committee on Academic Discipline authority to deal with an appeal by a student under the provisions of the University's Harassment Policy and I have been advised by counsel that, under the current wording of *The Act*, it could be argued any appeal by a student under the Harassment Policy would have to be heard by the Senate unless authority to hear such an appeal is delegated by Senate to the Senate Committee on Academic Discipline.

It is therefore proposed that AC 51, The Terms of Reference for the Senate Committee on Academic Discipline, be amended in the following manner:

Section B., Responsibilities:

2. "The Committee is established:

- a) to hear appeals from penalties imposed under 'Procedures for Dealing with Incidents of Intellectual Dishonesty', and
- b) to hear an appeal by a student from a penalty imposed under the 'University Harassment Policy', and
- c) to hear such other appeals and deal with such other matters as Senate or the Chairman of Senate so directs".

*The University Act* specifies that Senate may, by 2/3 vote of its members present, delegate to one or more of its committees those of its powers as it may determine.

I have prepared a motion for Senate to address the question of delegation of the authority to the Senate Committee on Academic Discipline. If you agree, I shall place this on the proposed Agenda for the January meeting of the Senate and this can be considered by the Senate Committee on Agenda and Rules on Tuesday, December 20.