

Charter of Students' Rights

Approved:
Senate

January 21, 2009

Minute 3

Full history appears at the end of this document.

PART I: FUNDAMENTAL RIGHTS AND FREEDOMS

- 1 Every student enjoys within the University all rights and freedoms recognized by law.
- 2.1 Every student has a right to equal treatment by the University; this right must not be impaired by discrimination based on race, colour, ethnic or national origin, civil status, religion, creed, political convictions, language, sex, sexual orientation, social condition, age, personal handicap or the use of any means to palliate such a handicap.
- 2.2 A distinction, exclusion or preference based on relevant academic or physical aptitudes or qualifications required in good faith is deemed non-discriminatory.
- 3 Every student has a right to the safeguard of his or her dignity and a right to be protected by the University against vexatious conduct displayed by a representative of the University acting in an official capacity.
- 4.1 Every student has a right to be free from a sexual solicitation or advance made by a person in a position to offer or deny to the student an academic advantage or any opportunity pertaining to the status of student, where this person knows or ought reasonably to know that this solicitation is unwelcome.
- 4.2 Every student has a right to be free from a reprisal or threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to offer or deny to the student an academic advantage or any opportunity pertaining to the status of student.
- 5 The University has an obligation to ensure that administrative decisions are made, or actions taken, with fair regard for the known and legitimate interests of students.
- 6 Rights conferred upon students by regulations may not be infringed upon by administrative decisions.
- 7 The University has an obligation to maintain safe and suitable conditions of learning and study.
- 8 The University has an obligation to ensure that adequate measures are taken to protect security of students on University property.

PART II: ACADEMIC RIGHTS

- 9 Every student has a right to a quality education. The University's corresponding obligation is fulfilled where:
 - (a) the University offers an education capable of providing students with an adequate level of competence in the relevant field of study, and
 - (b) the University makes every reasonable effort to maintain the quality of education it dispenses, and
 - (c) the University makes every reasonable effort to provide an appropriate environment for learning and assessment activities.

- 10.1 The University shall provide students with sufficient course information to permit the student to make informed course selection. This information should include, where appropriate:
 - (a) Pre-requisites for courses,
 - (b) Course descriptions,
 - (c) Course availability,
 - (d) The method of evaluation, and
 - (e) Change of course periods.

- 10.2 Every instructor shall provide students during the first week of lectures with a written course outline. This information should include, where appropriate:
 - (a) A description of the topics to be considered in the course,
 - (b) A list of required and recommended readings and other materials,
 - (c) A description of the means of evaluation to be used in the course,
 - (d) A statement regarding the right of every student to submit in English or in French written work that is to be graded (not applicable to courses in which acquiring proficiency in a language is one of the objectives).
 - (e) The instructor's office hours for students, office location and telephone number for office appointments.

- 11 Where students are permitted a choice of courses or course loads, the University shall provide a reasonable change of course period.

- 12 The evaluation of a student's performance in a course shall be fair and reasonable, and shall reflect the content of the course.

- 13 Unless the method of evaluation renders such a determination impossible, every student has a right to be informed upon request of his or her standing or performance in a course while the course is in the process of being taught.

- 14 Subject to reasonable administrative arrangements, and provided the request is made by a student within a reasonable time after the notification of a mark:
 - (a) Every student has a right to consult any written submission for which he or she has received a mark and a right to discuss this submission with the examiner, and
 - (b) Every student has a right to an impartial and competent review of any mark.

- 15 Every student has the right to submit in English or in French written work that is to be graded. This does not apply to courses in which acquiring proficiency in a language is one of the objectives.
- 16 The University has an obligation to provide students with available relevant information concerning financial assistance offered by public funding bodies for the pursuit of higher learning.
- 17 Students shall have equal access to non-competitive funding for which they are eligible, and criteria for eligibility shall not be arbitrary; applications to the University for such funding must receive a fair and impartial evaluation.
- 18 The University has an obligation to make reasonable efforts to provide adequate research supervision for graduate work, with due regard to the preference of the student.
- 19 Every student has a right to the due and explicit acknowledgement of any indebtedness owed to him or her by a member of the University for research or assistance in the preparation of an academic work.

PART III: PROCEDURAL RIGHTS

- 20.1 Every student has a right to a full, equal and fair hearing by an impartial tribunal, for the determination of his or her rights under this Charter or of the merits of any charge brought against him or her under University regulations.
- 20.2 The tribunal may decide to sit in closed session where University regulations so provide.
- 21 Every student who is charged with a disciplinary offence has a right to present a full and complete defence. In particular, but without restricting the generality of the foregoing, he or she has a right:
 - (a) to be promptly informed in writing of the substance of the charge,
 - (b) to refuse to answer incriminating questions,
 - (c) to present and examine witnesses, and to cross-examine witnesses who testify against him or her,
 - (d) to raise a defence that the charge or the procedure under which the person was charged itself constitutes a violation of this Charter,
 - (e) to be accompanied by an advisor at any hearing on the merits of a charge, and
 - (f) to defend him or herself in English or in French, and to have an interpreter present if he or she does not understand the language of the proceedings.
- 22 Every student is presumed innocent of a disciplinary offence unless he or she is found guilty on the basis of clear, convincing and reliable evidence laid against him or her.
- 23 No University regulation may be changed retroactively to the detriment of any student.

PART IV: RIGHTS OF ASSOCIATION AND REPRESENTATION

- 24 Every student has a right to belong to any lawful association of his or her choice and shall not be subject to any prejudice by the University, by reason only that he or she belongs to such an association.
- 25 Every student enjoys within the University the freedoms of opinion, of expression and of peaceful assembly.
- 26 Every group of students has a right to organize and to promote the interests of its members, provided that the purposes of such group are lawful. Every such group shall also have the right to publicize and hold meetings, to debate any matter and to engage in lawful demonstration.
- 27 All University bodies constituted to make decisions of policy in matters pertaining directly to students must provide for student membership.
- 28 Recommendations for student membership shall be sought by the University from the appropriate student association where it exists. Refusal to accept a recommendation must not be based on arbitrary or unreasonable grounds.

PART V: ACCESS TO PERSONAL INFORMATION

- 29 In this Part, “personal information” means information concerning a student or a former student and recorded by the University under this student’s or former student’s name or identification number.
- 30 Every student has a right to consult any record of personal information kept by the University, provided that such information was not transmitted to or recorded by the University in circumstances of confidence. Where, under this section, a student is denied an opportunity to consult personal information, the University shall inform the student of the existence of this information and of the reasons preventing its disclosure. Upon request by the student, the Committee on Student Grievances may determine whether the reasons stated by the University conform to this section.
- 31 No personal information shall be disclosed by the University to a third party in a manner which permits the identification of the student or former student unless such disclosure is required by law, or unless the protection afforded by this section has been waived expressly or by implication by the student or former student who is entitled to it. Upon request by the student or former student, the Committee on Student Grievances may determine whether disclosure is authorized under this section.

PART VI: AMENDMENT

- 32 Except for amendments to Division B of Part VIII, any amendment to this Charter shall require written notice to all members of Senate two weeks before the meeting at which it is to be considered. To be adopted, an amendment shall require a two-thirds majority vote.

PART VII: INTERPRETATION

- 33 The word “student” includes any person registered in the University, whether or not a candidate for a degree, diploma or certificate.

For the purpose of a grievance under this Charter, the individual need have been a student only at the time of the alleged breach of any right.

- 34 The word “University” includes, unless the context warrants otherwise, any of the University’s constituent entities, and any person acting in his or her capacity as a representative of the University or any of its constituent entities.
- 35 The word “course” includes a programme of courses and programme leading to a degree.
- 36 The determination by the University of the language of instruction for any course shall be deemed not to infringe Section 2.
- 37 This Charter shall not be interpreted so as to extend the University’s civil liability in damages and interest.
- 38 This Charter shall not be interpreted so as to suppress or limit the enjoyment or exercise of any human right or freedom not enumerated herein.
- 39 The University may by regulatory decision or practice grant a student or group of students any advantage which exceeds the requirements of this Charter, subject to Section 2.
- 40 Nothing in this Charter shall be interpreted so as to deny or restrict any advantage which by reason of a University regulation or practice is enjoyed by a student.

PART VIII: IMPLEMENTATION

Division A – General

- 41 The University shall ensure that students are aware of this Charter, the Code of Student Conduct and Disciplinary Procedures, the student grievance procedures and grievance procedure in cases of sexual harassment. The University’s obligation under this section is fulfilled when the University makes copies of these documents available to every student at registration.
- 42 The University Senate shall establish and maintain appropriate committees to give effect to this Charter.
- 43 The Committee on Student Grievances may consider the application of this Charter in individual grievances brought before it.

44 The Senate Advisory Council on the Charter of Students' Rights is established to consider allegations that the University is not fulfilling its obligations as established by this Charter.

Division B – Senate Advisory Council on the Charter of Students' Rights

45 The Council shall consist of five members and a Chair who shall be appointed by Senate for staggered two-year terms.

46 Two members of the Council and the Chair shall constitute quorum.

47.1 The Council shall investigate any allegation that the general application of a University rule is in violation of this Charter. A request for investigation may be made by a member of the University (the complainant) or may be referred to the Council by the Committee on Student Grievances.

47.2 On a reference from the Committee on Student Grievances, the Committee on Student Grievances shall not be a party to the proceedings before the Council.

48 The Council is not empowered to arbitrate or adjudicate a specific grievance made by a student against the University.

49 Any request for an investigation shall be directed to the Chair. As soon as possible after receiving a request, the Chair shall convene a meeting of the Council to determine whether the allegation merits investigation. If the investigation is considered unnecessary, the complainant shall be informed of the decision and the reasons for the decision without delay.

50.1 If the Council decides to investigate the complaint, it shall call for written submissions from the complainant (if there be one) and from the University. The Council may request submissions from other parties if it considers them useful or necessary for its deliberations, and may hold hearings.

50.2 After all submissions have been received, the Council shall determine whether a violation of the Charter has occurred. If the Council is of the opinion that there is no violation it shall inform the complainant of the decision and the reasons for the decision. If the Council is of the opinion that a violation has occurred, it shall meet with the University to attempt a reconciliation of the rule and the Charter.

50.3 If the mediation produces a change in the rule, the University shall inform the Senate of such change.

50.4 If the rule is not changed, or if the Council is not satisfied that the change renders the rule in conformity with the Charter, it shall report immediately to the Secretary of Senate. The Council's report shall include a concise statement of the relevant facts, citation of relevant regulations, all reasons for finding that a violation of the Charter exists, and any recommendations to amend the rule or practice. The report shall be

placed on the agenda of the next meeting of Senate. The Principal, or the Principal's delegate, shall ensure that the decisions of Senate are implemented without delay.

- 51 The Council shall provide Senate annually with a report of its activities. This report shall include a summary of each investigation and its final outcome, but with any individual parties not identified by name. The report shall also include a summary of requests for which an investigation was denied.

- 52 The word "rule" includes any rule, practice or procedure of the University. Any failure to act by the University where there is an obligation to do so under the Charter shall be deemed to be a violation of the Charter.

<i>History</i>		
<i>Approved:</i>		
Senate	April 4, 1984	Minute 64
<i>Amended</i>		
Senate	January 13, 1988	Minute 70
Senate	May 24, 2001	Minute 8
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Senate	January 21, 2009	Minute 3