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**JUDICIAL COMMITTEE**

**Terms of Reference**

**and**

**Rules of Procedure**

Approved by the Board of Governors  
June 10, 2004

JUDICIAL COMMITTEE

TERMS OF REFERENCE

SECTION 1 - FUNCTION

- (1) To judge incidents of student behaviour that are alleged to represent infractions of the following University of Guelph policies: *Student Rights and Responsibilities* and *Human Rights at the University of Guelph*. For a student who attends at one of the Regional Colleges of the University of Guelph, please see the Terms of Reference and Rules of Procedure for the Regional Colleges.
- (2) To hear final appeals against decisions of a non-academic nature made by the University of Guelph but which directly affect the appellant's ability to pursue his/her academic endeavours. This route of appeal is available only where there is no other existing appeal process which provides for appeal hearings.
- (3) To make appropriate recommendations to the Committee on Student Rights and Responsibilities where problems or weaknesses are identified in the existing non-academic regulations affecting students.

SECTION 2 - MEMBERSHIP

The membership of the University Judicial Committee (hereafter the "Committee"), shall be appointed as follows subject to approval by the Committee on Student Rights and Responsibilities:

- (1) Two student representatives will be nominated by each of the following student organizations from their members for a term of one year:
  - (a) Each of the College Governments
  - (b) InterHall Council
  - (c) Graduate Students Association and
  - (d) Central Students Association

Students who are currently subject to an order of the Judicial Committee (or Hearing Board) such as Probation or any other penalty are not eligible for membership.

- (2) Two faculty or staff representatives will be nominated by each of the Colleges through the respective Deans. The term of appointment shall be two years. Retirement dates will be staggered.
- (3) The Chair will be selected by the Committee and shall serve for a term of two years. The Chair's term shall be unlimited by any previous service on the Committee.
- (4) The Vice-Chair will be selected by the Committee to serve in the absence of the Chair or as

1 otherwise directed. The Vice-Chair shall serve for a term of one year, such term to be unlimited  
2 by any previous service on the Committee.

3 (5) Members may be reappointed for one additional term.

4 (6) When deemed necessary by the Chair of the Committee, in order to satisfy quorum for a judicial  
5 hearing, current or past members of the Committee or the Senate Committee on Student Petitions  
6 may be asked to participate in a specific hearing. If, for a particular hearing neither the Chair or  
7 Vice-Chair are available, the Committee, so long as it otherwise meets quorum, may elect a  
8 member of the Committee to chair the particular hearing.

9 The Judicial Officer and/or designate will be an *ex officio* non-voting member of the Committee  
10 and act as resource person for the Committee.

### 11 **SECTION 3 - QUORUM**

12 Quorum shall be the member sitting as Chair for that hearing (see Section 2) and four members,  
13 consisting of a minimum of one faculty or staff representative and two student representatives. If quorum  
14 is lost at any time during the hearing, the hearing will be adjourned until the next appropriate date when  
15 the same persons comprising the original quorum are present.

### 16 **SECTION 4 - VOTING**

17 Decisions will be made by majority vote. The Chair has voting privileges. There will be no  
18 abstentions.

### 19 **SECTION 5 - ADMINISTRATIVE SUPPORT**

20 Administrative matters including the scheduling of hearings and administrative support  
21 throughout the hearing and deliberations will be the responsibility of the Judicial Office.

### 22 **SECTION 6 -PENALTIES**

23 Upon a finding of guilt for each separate offence before it, the Committee may impose on the  
24 guilty party any one or more of the following penalties outlined in this section in addition to any  
25 mandatory minimum penalties required under these terms.

#### 26 (1) **WARNING**

27 The Committee may reprimand a guilty party in such terms as they consider appropriate,  
28 and warn the guilty party that the misbehaviour must not be repeated.

#### 29 (2) **PROBATION**

30 The Committee may place a guilty party on probation for such period of time as the  
31 Committee deems just and appropriate. There are two levels of probation, depending  
32 upon the seriousness of the misbehaviour. A student who has been placed on Probation  
33 Level 1 may, on a subsequent incident where the student has been found guilty by the  
34 Committee of a further breach of the regulations, be placed on the next level of  
35 Probation, which is Level 2.

If students are found guilty of an illegal drug offence and that offence took place within

1 Student Housing, there is a mandatory penalty of Probation Level 1 for a period of time  
2 to be determined by the Committee.

3 Depending on the seriousness of the actions which violated *Student Rights and*  
4 *Responsibilities*, a student may be placed on the higher level of Probation, Level 2,  
5 without the requirement that the student has been previously on Probation at Level 1.  
6 Once a student has been placed on Probation at Level 2, the Committee may, if it deems  
7 appropriate, recommend the penalty of suspension or expulsion as appropriate.  
8 Furthermore, in the event that the party is found guilty by the Committee of a breach of a  
9 second regulation during the period of probation, the Committee may impose, in addition  
10 to any penalty imposed for the second breach, any one or more of the penalties set out in  
11 Section 7(3)-(10).

8 (3) **FORBID ENTRY TO CERTAIN PREMISES**

9 The Committee may forbid a guilty party, for such period of time or for such periods of  
10 time as it deems just and appropriate, entry to any building or buildings, or areas of the  
11 University's premises.

11 (4) **REMOVAL OF CHATTELS OR SUBSTANCES**

12 The Committee may order a guilty party to remove from the University's premises or any  
13 part thereof, for such period of time as it deems just and appropriate, any chattels, goods  
14 or substances belonging to or in the possession of the guilty party.

14 (5) **RESTRICTIONS ON COMPUTING PRIVILEGES**

15 For offences involving the breach of the University's computing and networking  
16 facilities, the Committee may make recommendations to the Director of CCS as to  
17 appropriate restrictions on a guilty party's University computing privileges.

17 (6) **RESTITUTION**

18 The Committee may order a guilty party to pay the cost(s) or any portion of the cost(s),  
19 of any University property that has been damaged or destroyed in whole or in part by the  
20 guilty party.

21 (7) **FINE**

22 The Committee may order a guilty party to pay a sum of money by way of a fine in any  
23 amount, up to a maximum amount of \$1000.

24 If students are found guilty of an illegal drug offence and that offence took place within  
25 Student Housing, there is a mandatory minimum fine of \$100.

26 If students are found guilty of an offence related to fire protection equipment under  
27 Section III (1) d of SR&R, and have not been otherwise subject to eviction from Student  
28 Housing for the same offence, then a mandatory minimum fine of \$300 will apply.

27 (8) **FINE CONDITIONAL UPON GOOD FUTURE CONDUCT**

28 The Committee may order a guilty party to pay an additional sum of money by way of a  
conditional fine in any amount up to a maximum of \$1000 payable to the University of

1 Guelph. Such conditional fine is to be paid within 7 days from the date of the decision or  
 2 as otherwise ordered by the Committee. In the event the party is charged with a second  
 3 offense during the probationary period and is subsequently found guilty, the conditional  
 4 fine will be forfeited. In the event, the party is not found guilty of a second offence  
 5 during the probationary period, the conditional fine will be returned.

6 If the party fails to submit the conditional fine in accordance with this section, a further  
 7 fine will be due and owing in the amount of \$25 per semester for each semester the  
 8 conditional fine is not submitted. This further fine will not exceed the amount of the  
 9 original conditional fine.

10 (9) **SUSPENSION**

11 The Committee may recommend to the appropriate Vice-President that a guilty party be  
 12 suspended from any academic, athletic, or social or other activity conducted on the  
 13 University's premises for such a period of time as it deems just and appropriate.

14 (10) **EXPULSION**

15 The Committee may recommend to the President that a guilty party be expelled from the  
 16 University. Expulsion means that a student may not be readmitted to the University for at  
 17 least five years.

18 **Section 7 - SUSPENSION OF PENALTY**

19 The Committee may in appropriate circumstances suspend all or part of a penalty.  
 20 Suspension of penalty may occur if the guilty party:

- 21 i) successfully completes a period of probation during which the guilty party is not  
 22 found guilty of a further breach of *Student Rights and Responsibilities* and/or  
 23 *Human Rights at the University of Guelph*.
- 24 ii) agrees to participate in and successfully completes an alternative plan or program  
 25 satisfactory to the Committee. Such plans or programs may include but are not  
 26 limited to completion of a specified number of hours of community service, a  
 27 review of one of the University policies with the appropriate office and/or  
 28 participation in an educational program. Such educational program may include  
 but is not limited to alcohol and/or drug related issues, fire safety, human rights  
 issues or anger management; and/or
- iii) provides proof satisfactory to the Committee that restitution has been made in  
 accordance with the Committee's recommendation for damage or any portion of  
 the damage caused by the guilty party to property not owned by the University.

**SECTION 8 - RIGHT TO APPEAL**

- (1) Any party has a right to appeal a decision of the Committee to the Hearing Board if the case was  
 not an appeal to the Committee. This appeal must be filed in accordance with the rules of the  
 Hearing Board and received by the Secretary of the Hearing Board within 21 days of the  
 Committee's final decision and order having been delivered either orally at the hearing, or if the  
 decision is reserved, delivered to the student in accordance with Rule 4 of the Rules of Procedure.

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- (2) When a party delivers a Notice of Appeal in accordance with section 9(1), any decision or portion of a decision involving a monetary penalty under Section 6 (6) and/or (7) which is the subject of an appeal is stayed pending the outcome of the appeal unless otherwise ordered by the Committee. All other penalties will remain in effect pending the outcome of an appeal unless otherwise ordered by the Committee.

5 **SECTION 9 - APPEALS TO JUDICIAL COMMITTEE**

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- 1) The Committee will hear appeals brought by students under Section 1(2) of these Terms of Reference. Such appeals are to be filed in accordance with Rule 3 of the Rules of Procedure.
  - 2) The Committee will only hear appeals on the following grounds:
    - i) that the decision was unreasonable in light of the evidence presented;
    - ii) that the penalty or action imposed was unreasonable in light of the circumstances of the case; or
    - iii) that there was a lack of procedural fairness.
  - 3) Following the hearing, the Committee may take one or more of the following courses of action:
    - i) confirm a finding;
    - ii) reverse or alter a finding;
    - iii) confirm a penalty; or
    - iv) assess a different penalty from within the range of penalties available to the original decision maker.
  - 4) The decision of the Committee is final in the hearing of an appeal and takes effect immediately.

# UNIVERSITY OF GUELPH JUDICIAL COMMITTEE

## RULES OF PROCEDURE

### RULE I - DEFINITIONS

In these rules:

#### a) Abuse of Process

- ▶ means to make unreasonable use of the hearing process. Examples would include but not be limited to commencing proceedings which are frivolous or vexatious; providing an advisor/agent or legal counsel who is not competent to represent any party or witness, or does not understand and comply during the proceedings with the duties and responsibilities of an advisor/agent or legal counsel.

#### b) Advisor/Agent

- ▶ Means a person engaged to appear at a hearing on behalf of a party or as an advisor to a witness. The agent need not be a legally qualified practitioner.

#### c) Appellant

- ▶ Means any party who commences an appeal before the Committee.

#### d) Balance of probabilities

- ▶ The standard of proof necessary to prove a charge before the Judicial Committee. The standard is met if at the end of the hearing, based on all the credible evidence, the Committee believes that the events alleged probably occurred.

#### e) Chair

- ▶ Means the person who is the Chair of the Committee.

#### f) Committee

- ▶ Means the University of Guelph Judicial Committee.

#### g) Complaint

- ▶ Means any proceeding which originates before the Committee.

#### h) Defendant

- ▶ Means any registered full or part-time student of the University of Guelph against whom a complaint before the Committee is instituted.

#### i) Hearing

- ▶ Is the proceeding before the Committee for which a Notice of Hearing has been given.

1 j) Judicial Office

- 2 ▶ Means the Judicial Office of the University of Guelph.

3 k) Legal Counsel

- 4 ▶ Means a barrister or solicitor qualified to practice in Ontario and engaged to appear as an agent  
5 on behalf of a party, or as an advisor to a witness at a hearing.

6 l) Party

- 7 ▶ Means an appellant, defendant, plaintiff or respondent, as the case may be.

8 m) Person

- 9 ▶ Means any student, whether full-time or part-time, who is or has been registered at the  
10 University; any employee of the University; any committee, board or department of the  
11 University; and the University itself.

12 n) Plaintiff

- 13 ▶ Means any person who institutes a complaint before the Committee against any registered full or  
14 part-time student of the University of Guelph under these Terms of Reference and Rules of  
Procedure.

15 o) Respondent

- 16 ▶ Means any party who has an interest opposing that of the appellant.

17 p) Student

- 18 ▶ Means any person registered in an undergraduate or graduate program at the University of  
19 Guelph, or otherwise taking credit or non-credit courses offered by the University, or through  
Open Learning or any person who was a student at the time the alleged offence occurred. This  
20 definition does not include a person registered as a student in the University of Guelph-Humber  
program.

21 q) University

- 22 ▶ Means the University of Guelph.

23 **RULE 2 - AMENDMENT AND COMPUTATION OF TIME**

24 (1) Where any time or time limitation is mentioned in these Terms of Reference and these Rules, the  
25 Committee may, on its own initiative, or at the request of a party, extend or abridge the time  
26 requirements prescribed as necessary.

27 (2) The Committee's discretion under (1) may be exercised before or after the expiration of the time  
prescribed.

28 (3) Where there is a reference to a number of days between two events, the calculation shall not

1 include the day on which the first event occurs, but shall include the day on which the second  
 2 event occurs. Furthermore, where the time period described is greater than seven days, holidays  
 3 and weekends will be included in the computation of time.

### 4 **RULE 3 - INSTITUTION OF PROCEEDINGS**

- 5 (1) Any person who wishes to institute a complaint under either *Student Rights and Responsibilities*  
 6 or *Human Rights at the University of Guelph* against any registered full or part-time student of  
 7 the University of Guelph shall do so by submitting a Notice of Complaint to the Judicial Office.  
 8 The Notice of Complaint shall be in Form 1, and shall be signed by the Plaintiff(s) in the  
 9 Complaint. The Notice of Complaint shall be served on the defendant by Security Services or the  
 10 Judicial Office in accordance with Rule 4(4) of these Rules of Procedure.
- 11 (2) Any person who wishes to institute an appeal of a decision under Section 1(2) of the Terms of  
 12 Reference for the Committee shall do so by submitting a Notice of Appeal to the Judicial Office.  
 13 The Notice of Appeal shall be in Form 2. The Notice of Appeal must be submitted within twenty-  
 14 one (21) calendar days after service of the decision being appealed. For appeals from decisions of  
 15 Student Housing Services, the Notice of Appeal must be received within 3 business days after  
 16 service of the decision being appealed. In order for the Notice to be complete, it must contain all  
 17 relevant information about the original decision, stating facts and the reasons for the appeal.  
 18 Witnesses' names should be supplied, unless otherwise ordered by the Committee.
- 19 (3) The Respondent shall be served with a copy of the Notice of Appeal within 7 days from the date  
 20 of submission of the Notice of Appeal. The Respondent shall deliver a written response to the  
 21 Judicial Office within 14 days of service of the Notice of Appeal. The response shall include a  
 22 summary of the submissions and argument made in response to the appeal.
- 23 (4) The Appellant shall be served with a copy of the response within 7 days of receipt of the response  
 24 by the Judicial Office. The Appellant has 14 days from the date of service of the response in  
 25 which to ask for a hearing date. If no request for a hearing date is made, the appeal is  
 26 automatically withdrawn.

### 27 **RULE 4 - SERVICE NOTICE OF COMPLAINT, NOTICE OF APPEAL, NOTICE OF HEARING, AND** 28 **DECISION AND ORDER OF THE COMMITTEE**

- 1 (1) A Notice of Hearing shall be in Form 3.
- 2 (2) All plaintiffs in a complaint or appellants in an appeal shall be served with a Notice of Hearing at  
 3 least fourteen (14) days prior to the date of the hearing, unless such notice period is waived by the  
 4 plaintiff or appellant.
- 5 (3) All defendants in a complaint or respondents in an appeal shall be served at least fourteen  
 6 (14) days prior to the date of the hearing with a Notice of Hearing, unless such notice  
 7 period is waived by the defendant or respondent.
- 8 (4) Service of a notice of complaint, notice of appeal, notice of hearing, and decision and order of the  
 9 Committee shall be by personal delivery, delivery to the University P.O. Box, regular mail,  
 10 courier, fax or email. If the above documents are sent by regular mail, service will be deemed  
 11 effective on the fifth day after the documents are mailed. These documents will be mailed to the  
 12 address received and recorded by the University from the plaintiffs/appellant or  
 13 defendant/respondent. If the above documents are sent by delivery to the University P.O.Box,

1 courier, fax or email, the date of notification shall be deemed to be one day after the date of  
2 delivery or transmission

### 3 **RULE 5 - MOTION**

4 A specific request for action (“motion”) may be heard at the commencement of a hearing. The  
5 motion is to be in writing and delivered to the Judicial Office no later than 7 days before the  
6 scheduled hearing date. The motion must state the relief sought, the documentary evidence to be  
7 used and the grounds to be argued. Any motion not delivered to the Judicial Office within 7 days  
8 can only proceed with leave of the Committee and leave may be granted by the Committee in  
9 extraordinary circumstances. Any response to the motion must be made in writing and delivered  
10 to the Judicial Office at least two days before the hearing date.

### 11 **RULE 6 - DISCLOSURE**

- 12 (1) Any party to a complaint or appeal shall be entitled to make an appointment to visit, at any time  
13 during normal business operating hours, the Judicial Office, in order to examine any written  
14 statements, documents, and any other material filed with the Judicial Office pertaining to the  
15 complaint or appeal (“Documentation”). It is the responsibility of the parties to review the  
16 Documentation no later than 7 days before the date scheduled for the hearing.
- 17 (2) If no objections to the Documentation are raised by the parties, the Documentation will be  
18 forwarded to the Committee members for review prior to the hearing. If any party objects to part  
19 or all of the Documentation, the objection together with reasons must be delivered to the Judicial  
20 Office in writing no later than 7 days before the date scheduled for the hearing. The admissibility  
21 of the Documentation which is identified in the written objection will be decided by the  
22 Committee as a preliminary matter and will not be forwarded to the Committee prior to the  
23 hearing.
- 24 (3) At any stage of the proceeding, the Committee may make orders for:  
25 (a) the exchange of documents;  
26 (b) the exchange of witness statements and reports of any expert witnesses;  
27 (c) the provision of particulars;  
28 (d) any other form of disclosure.

This section does not authorize the making of an order requiring disclosure of privileged  
information.

### 29 **RULE 7 - OPEN HEARINGS**

- 30 (1) Subject to Rule 7 (2), all hearings before the Committee shall be open to the public.
- 31 (2) On the request of any party, or on its own initiative, the Committee may hold a hearing in camera.  
32 Such a hearing may be held where the Committee is of the opinion that:  
33 (a) the matters to be discussed will involve intimate, financial, or personal matters, or other  
34 matters may be disclosed at the hearing of such a nature, having regard to the  
35 circumstance that the desirability of avoiding disclosure thereof in the interest of any  
36 person affected or in the public interest outweighs the desirability of adhering to the  
37 principle that the hearing be open to the public; or  
38 (b) the matters involve public security.

In such a case, the Committee may hold the hearing in the absence of the public.

**RULE 8 - SUMMONS TO WITNESSES**

- 1 (1) The Committee, or any party in a complaint or appeal, upon providing the Judicial Officer with  
2 the name, address and telephone number of a witness, shall be entitled to summon before the  
3 Committee any person as a witness for the hearing of the complaint or appeal and to require that  
4 person to produce, in evidence at the hearing, documents and items/objects specified in the  
5 Summons and relevant to the complaint or appeal and admissible at the hearing.
- 6 (2) Service of a Summons shall be by personal delivery.
- 7 (3) A Summons shall be in Form 4, and shall be signed by the Chair of the Committee.
- 8 (4) Failure of a student to attend before the Committee when properly served with a summons is a  
9 breach of *Student Rights and Responsibilities*

**RULE 9 - EXCLUSION OF WITNESSES**

10 At any time during the hearing, the Committee may make an order, at the request of any party or  
11 on its own initiative, requiring any persons who are witnesses, other than a party, to be excluded  
12 from the hearing until called to give evidence. It is customary that this type of request and order  
13 would be made at the outset of a hearing.

**RULE 10 - MAINTENANCE OF ORDER AT HEARINGS**

14 The Committee may make such orders or give such directions during the proceedings as it  
15 considers necessary for the maintenance of order at the hearing, or to prevent abuse of the  
16 process.

**RULE 11 - NON-APPEARANCE AT A HEARING**

- 17 (1) Subject to (3), if the defendant or respondent fails to appear before the Committee on the  
18 appointed day and time, the Committee may proceed in such absence, without further notice in  
19 the proceedings.
- 20 (2) Subject to (3), if the plaintiff or appellant fails to appear before the Committee on the appointed  
21 day and time, the complaint or appeal may be dismissed in such absence without further notice in  
22 the proceedings.
- 23 (3) If the party who failed to appear wishes to ask the Committee to rehear the matter so as to allow  
24 them the opportunity to appear and present evidence, that request must be made in writing within  
25 7 days of service of the Notice of Decision and Order. The Committee will grant such a request if  
26 it believes there are acceptable medical and/or compassionate reasons for the non-appearance.

**RULE 12 - REPRESENTATION OF PARTIES AND WITNESSES**

- 25 (1) Any party in a hearing shall be entitled at the hearing to be represented by legal counsel or by an  
26 advisor/agent.
- 27 (2) Any witness shall be entitled at the hearing to be advised by legal counsel or by an advisor/agent,  
28 but such legal counsel or advisor/agent may take no other part in the hearing without the leave of  
the Committee.

- 1 (3) Where a hearing (or part thereof) before the Committee is held in camera, legal counsel or the  
2 advisor/agent for a witness shall not be entitled to be present, except when that witness is giving  
3 evidence.  
4 (4) Where any party desires to appear before the Committee without legal counsel or an  
5 advisor/agent, such party shall be entitled to do so.  
6 (5) Any party may call and examine witnesses and present evidence and submissions. Any party  
7 shall be entitled to cross examine any witness presented by another party adverse in interest.  
8 (6) The Committee may reasonably limit further examination or cross examination of a witness  
9 where it is satisfied that the examination or cross examination has been sufficient to disclose fully  
10 and fairly all matters relevant to the hearing.

### 11 **RULE 13 - PARTIES ENTITLED TO BE AT THE HEARING**

- 12 (1) All parties to a proceeding are entitled to be present throughout the hearing provided that the  
13 Committee may exclude from the hearing any party whose conduct is, in the opinion of the  
14 Committee, so disruptive of the hearing process as to frustrate it. Any party so excluded may be  
15 represented by an advisor/agent or legal counsel provided by such party.

### 16 **RULE 14 - NO PLEA SUBMITTED**

- 17 (1) Where a defendant or respondent refuses to enter a plea of guilty or not guilty, or fails to appear  
18 at the hearing, such party shall be deemed to plead not guilty.

### 19 **RULE 15 - OATHS AND AFFIRMATIONS**

- 20 (1) Any party or witness called before the Committee to give evidence may be required, before  
21 giving any evidence, to take an Oath or make an Affirmation, such Oath or Affirmation to be  
22 administered by the Chair.  
23 (2) The Oath shall follow the wording of Form 5.  
24 (3) The Affirmation shall follow the wording of Form 6.

### 25 **RULE 16 - ADMISSIBILITY OF EVIDENCE**

- 26 (1) Subject to Rule 16(2) and 16(3), the Committee may admit as evidence at a hearing, whether or  
27 not given or proven under oath or affirmation or admissible as evidence in a court:  
28 (a) any oral testimony; and  
(b) any document or other thing, relevant to the subject matter of the proceedings. The  
Committee may act on such evidence, but may exclude anything unduly repetitious.  
(2) Nothing is admissible in evidence at a hearing that would be inadmissible in a court by reason of  
any privilege under the law of evidence or by statute.  
(3) Where the Committee is satisfied as to its authenticity, a copy of a document or other such  
material may be admitted as evidence at a hearing.  
(4) Where a document has been filed in evidence at a hearing, the Committee may, or the party

1 producing it or entitled to it may, with the leave of the Committee, cause the document to be  
2 photocopied and the Committee may authorize the photocopy to be filed in evidence in the place  
3 of the document filed and release the document filed, or may furnish to the person producing it or  
4 the person entitled to it, a photocopy of the document filed, certified by the Judicial Officer.

- 5 (5) A document purporting to be a copy of a document filed in evidence at a hearing, certified to be a  
6 true copy thereof by the Judicial Officer, is admissible as evidence in proceedings in which the  
7 document is admissible as evidence of the document.

#### 8 **RULE 17 - NOTICE OF FACTS/OPINIONS**

- 9 (1) The Committee may, in making its decision:
- 10 (a) take notice of facts that may be judicially noticed; and
- 11 (b) take notice of any generally recognized scientific or technical facts, information or  
12 opinions within its scientific or specialized knowledge.

#### 13 **RULE 18 - DECISIONS OF JUDICIAL COMMITTEE**

- 14 (1) The decision of the Judicial Committee will be made using the balance of probabilities as the  
15 standard of proof.
- 16 (2) Whenever practicable, the Committee shall give its final decision and order with reasons orally  
17 upon the completion of the hearing. A party may request that reasons be given in writing.
- 18 (3) As soon as is practicable after the completion of a hearing, the Judicial Office shall send to all  
19 parties the Committee's final decision and order, and/or invoice, if any, in writing and signed by  
20 the Judicial Officer.
- 21 (4) The Notice of Decision and Order shall be according to Form 7.

#### 22 **RULE 19 - ADJOURNMENTS**

- 23 (1) Prior to the commencement of a hearing, a hearing may be adjourned from time to time by the  
24 Judicial Office. Once a hearing has commenced, the Committee may by motion of one of the  
25 parties, or on its own initiative, order an adjournment where it is satisfied that the adjournment is  
26 required to permit an adequate hearing to be held.
- 27 (2) The parties to a proceeding shall be served with a copy of the written order of any such  
28 adjournment if the parties were not present at the time the adjournment was made.

#### 29 **RULE 20 - AMENDMENTS**

- 30 (1) A proceeding shall not be defeated by any formal objection of a technical nature. All reasonable  
31 and necessary amendments to Notices of Complaint, Notices of Appeal, Notices of Hearing and  
32 Summons shall be made by a motion of the Committee in order to secure the advancement of  
33 justice and determine the real matter in dispute.

#### 34 **RULE 21 - POWER TO REVIEW**

- 35 (1) The Committee may, if it considers it advisable, review all or part of its own decision or order,  
36 and may confirm, vary, suspend, or cancel the decision or order. Such review shall be by written

1 submissions unless otherwise ordered by the Committee.

- 2 (2) The review shall take place within a reasonable time after the decision or order is made.

3 **RULE 22 - RECORD OF HEARINGS**

- 4 (1) The Committee shall compile a record for each hearing, which shall include a copy of:

- 5 (a) the Notice of Complaint or Appeal;  
6 (b) the Notice of Hearing;  
7 (c) all Summonses;  
8 (d) any order granting adjournments made by the Committee;  
9 (e) all documentary evidence filed with the Committee;  
10 (f) all minutes of the hearing;  
11 (g) the Notice of Decision and Order.

- 12 (2) All records of hearings shall be kept by the Judicial Office.

- 13 (3) All records of hearing excluding the Notice of Decision and Order, shall be expunged five years  
14 following the hearing except those for which the penalty was suspension or expulsion. At the  
15 time the record is expunged, the Decision and Order will be altered to remove the student's  
16 identity.

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