



Policy Name: Student Corrective Action
Approving Authority: Academic Council

Policy # AA-004
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Statement

The Student Corrective Action Policy of Yorkville University ("Yorkville" or the "University") provides the review, inquiry, and appeals process for academic and non-academic misconduct offenses. The Academic Council will review this policy every five (5) years.

Purpose

The Student Corrective Action Policy identifies the review, inquiry, and appeal process for academic and non-academic misconduct offenses. The policy further details the appeals process through the application of the principles of natural justice.

Roles and Responsibilities

The Student Corrective Action Policy applies to all students enrolled at the University. The Dean and Vice President of Academics are responsible for implementing this policy. The Academic Council has oversight of this policy and the Appeals Committee has the responsibility to ensure the policy is adhered to during the appeals process.

Policy

The University's review and inquiry into the alleged misconduct is based on the principles of natural justice.

These include:

- Right to be heard: The respondent has a fair opportunity to present their case to an appropriate body or forum, via an appeal or other means.
- Freedom from bias: The decision-maker conducts the inquiry in an impartial manner.
- Evidence-based decision-making: The decision-maker bases their findings on substantiated evidence.
- Medical condition: Any medical situation is taken into consideration.
- Compassion is employed when reviewing circumstances.

The University's process of review and inquiry of the alleged misconduct is as follows:

1. A person with a complaint containing allegations of misconduct must complete the Academic Misconduct Form or the Violation of Student Code of Conduct Incident Report Form for non-academic misconduct. The completed form must be forwarded to the Dean or department head where the respondent holds an appointment or is registered as a student. Refer to Addendum 1 for the Academic Misconduct Form and Addendum 2 for the Violation of Student Code of Conduct Incident Report Form.
2. Upon receipt of an allegation of misconduct, the Dean shall determine whether the allegations fall within the definition of misconduct and may explore the possibility of an informal resolution with the complainant and/or the respondent. If the parties are able to arrive at an informal resolution, the complaint shall not proceed beyond this point.

3. Where a complaint falls within the definition of misconduct and no informal resolution is reached, the Dean shall:
 - a. Immediately notify the respondent that a complaint has been received and send a copy of the complaint, and any documentation provided with the complaint.
 - b. Within three (3) days of receiving a complaint, or as soon thereafter as possible, appoint a reviewer who shall be a senior faculty member, other than those of the respondent(s) and complainant(s), to conduct a review. The purpose of the review is to determine whether the complaint warrants an inquiry.
 - c. Advise the respondent and the complainant of the name of the person appointed to conduct the review.
4. Any objection to the person appointed to conduct the review shall be made to the Dean within three (3) days. The only grounds for objection are alleged bias or conflict of interest. The Dean's disposition of any such objection shall be final. Where the Dean finds that the objection is well-founded on the basis of bias or conflict of interest, they shall appoint a new reviewer as soon as possible.
5. The reviewer shall conduct their review in strict confidentiality.
 - a. The respondent shall be invited to make a written submission that responds to the complaint and to submit any documents that may be relevant to the complaint. Prior to submitting their report, the reviewer may, in their sole and absolute discretion, request the complainant and the respondent to comment on all or portions of a draft report.
 - b. Within five (5) days of being appointed, the reviewer shall report in writing to the Dean, with copies to the respondent, the complainant, and the Vice President of Academics.
 - i. The reviewer's report may conclude that the complaint does not warrant an inquiry only on one or more of the following grounds:
 1. the complaint does not pertain to an activity as defined in the policy;
 2. the complaint is frivolous or vexatious;
 3. there is insufficient evidence for an inquiry to consider;
 4. the complaint is made in bad faith; or
 5. the lapse of time since the conduct in question has been such that the matter cannot be properly investigated because of the unavailability of witnesses, the absence or loss of records, or similar reasons.
 - c. If the respondent is not satisfied with the decision of the reviewer, the respondent has the right to appeal the decision.
6. Where the report concludes that the complaint warrants an inquiry, the report shall:
 - a. specify the allegations of misconduct that require an inquiry;
 - b. include particulars of the evidence considered by the reviewer that may be relevant to each allegation of misconduct;
 - c. include a list of any documents considered by the reviewer; and
 - d. attach copies of all documents provided to the reviewer by either the complainant or the respondent.
7. Where the report of the reviewer concludes that the complaint does warrant an inquiry, the Dean shall, within three (3) days of receiving the report, or as soon thereafter as possible:
 - a. Appoint an ad hoc committee (the "Committee of Inquiry"). The Committee of Inquiry shall consist of three (3) members who are not a party to the complaint. One of the members should be chosen from outside the faculty of either the respondent or the complainant and may be chosen from outside the University. The Dean shall appoint one of the members as the Chair. The Dean shall advise the respondent and the complainant of the composition of the Committee of Inquiry.

- i. Any objection to the composition of the Committee of Inquiry shall be made to the Vice President of Academics within three (3) days. The only grounds for objection are alleged bias or conflict of interest. The Vice President of Academics' disposition of any such objection shall be final.
8. The Committee of Inquiry
 - a. is responsible:
 - i. to determine whether the respondent has committed misconduct; and
 - ii. to provide recommendations as to any remedial action that is appropriate in the circumstances and/or any steps that could be taken to avoid similar misconduct in the future.
 - b. has the right to see any relevant documents in possession of the University or the respondent, to call witnesses, and to request written submissions. It may seek impartial expert opinions to ensure that its work is thorough and informed. It acts as a quasi-judicial body, and therefore its activities are privileged under the Right to Information and Protection of Privacy Act (S.N.B., 2009, R-10.6) and the Personal Information Protection and Electronic Documents Act (PIPEDA).
9. The Committee of Inquiry shall either hold a hearing on the matter, or (with the consent of the respondent) conduct its inquiry solely on the basis of written submissions. In either case, when determining its procedures, the Committee of Inquiry shall ensure that the rules of natural justice and administrative fairness are observed.
10. The Committee of Inquiry shall invite the respondent to make a submission in writing prior to its seeking or obtaining any further information or submissions. All documentation submitted to the Committee of Inquiry shall be made available to the respondent. The respondent shall be given the opportunity to respond fully to the evidence presented in writing. Ethical or research guidelines of a professional organization of which the respondent is a member, and which are applicable to the subject matter of the complaint, are admissible as evidence before the Committee of Inquiry and may be considered by the Committee of Inquiry in making any decision or recommendation.
11. In the case of a hearing, the respondent may be accompanied by an advisor if the respondent so desires. The respondent shall have the opportunity to question witnesses presented to the Committee of Inquiry and the opportunity to call witnesses on behalf of the respondent.
12. Within seven (7) days of being appointed, or as soon thereafter, the Committee of Inquiry shall complete its inquiry and shall report its decision, in writing, with reasons, to the Vice President of Academics. The Committee's report is considered a private, not a public, document.
 - a. The Committee of Inquiry shall determine whether clear, cogent, and convincing proof establishes a preponderance of the evidence that the respondent has committed misconduct and shall make recommendations with respect to any appropriate disciplinary action that should be instituted against the respondent. Such discipline may include:
 - i. In the case of students:
 - Informal warning
 - Repeat coursework
 - Failure of a course
 - Loss of scholarships
 - Suspension, dismissal, or expulsion from the University
 - b. The Committee of Inquiry's findings shall be final, subject only to the appeal process set out below.
13. Where the Committee of Inquiry finds that there has not been any misconduct in a Scholarly

Activity that is the subject of the complaint, the Committee of Inquiry shall make recommendations with respect to:

- a. Whether there are any steps that should be taken by the person who made the initial allegation of misconduct; and
 - b. Whether there are any steps that could be taken by the University to help overcome any damage that the respondent's reputation for scholarly integrity may have suffered by virtue of the complaint.
14. The Vice President of Academics shall immediately provide copies of the report to the respondent, the complainant, and the Dean and, as appropriate, shall promptly:
- a. advise the respondent and the Dean that the complaint is dismissed; or
 - b. advise the respondent and the Dean that the complaint is substantiated as misconduct, which can appropriately be dealt with by the Dean; or
 - c. advise the respondent and the Dean that the complaint is substantiated as serious misconduct and appropriate disciplinary action will be taken in accordance with applicable University policies.

Appeal Process

1. Where there are grounds for doing so, respondents have the right to appeal any decision by any faculty member, committee (other than the Appeal Committee), or administrator at Yorkville University within seven (7) days of receiving the final report of the inquiry. Decisions may be appealed on one or more of the following grounds:
 - Procedures were not correctly followed in making the decision.
 - University policy was incorrectly interpreted and applied.
 - There was a fundamental procedural error seriously prejudicial to the respondent.
 - The decision-maker erred in interpreting the facts or assessing the evidence.
 - The decision-making process was not consistent with the generally understood principles of procedural fairness (natural justice).
 - The respondent did not have a fair opportunity to present their case to an appropriate body or forum, via an appeal or other means;
 - Freedom from bias: The decision-maker was not impartial or did not conduct the hearing in an impartial manner;
 - Evidence-based decision-making:
 - The decision was not based on evidence, but on speculation or suspicion; and/or
 - The decision was not communicated in a way that made clear what evidence was used in making the decision.
 - Medical: An unforeseen medical condition affected the respondent's ability to meet their academic obligations and/or otherwise conduct themselves appropriately.
 - Compassion: Events and circumstances beyond the control of the respondent seriously impaired their ability to meet their academic obligations, such that the corrective action was excessive in the circumstances.
2. If a respondent wishes to appeal a decision, the respondent must complete an Appeal Form (Addendum 3), with all supporting documentation, to the Appeals Committee ("AC") within seven (7) days of notification of the final report. The form can be obtained from the Student Services Department.
3. The Dean or Vice President of Academics will submit all documentation to the Appeals Committee for review.
4. Within three (3) days of receiving the Appeal Form, or as soon thereafter as is possible, the Dean

or Vice President of Academics will refer the matter to the AC, which will convene within ten (10) days of receiving the appeal.

5. The AC will review the appeal and any supporting documentation. The respondent may, on the AC's discretion, be requested to attend the meeting.
6. Within five (5) days of their meeting, or, if a further meeting is required, within five (5) days of their final meeting to address the appeal, the AC shall communicate its final decision, in writing, to the Dean or the Vice President of Academics and the respondent.
7. The decision of the Appeals Committee is final.

Burden of proof: Dissatisfaction with University policy, unhappiness with the outcome of a decision, and technicalities that do not materially affect a decision are not sufficient grounds for appeal. When appealing any decision, it is the appellant's responsibility to present evidence and arguments addressing one (1) or more of the grounds for appeal as set out above.

Costs Incurred by the Respondent

Following the completion of the appeals process, the University will not be liable for any costs incurred by the respondent in relation to the completion of, or termination from, the program or any processes under this policy.

Overriding Duty to Protect

If at any time, the Dean believes that any alleged unprofessional conduct creates an actual or potential risk to the safety of clients, students, staff, or members of the public, the Dean shall take reasonable measures to ensure that the respondent is not in contact with any individuals potentially at risk, including contacting the police or other authorities.

Confidentiality

All disclosures, reports, and complaints made under this policy will be treated in a confidential manner. The Dean, and all University faculty and staff who receive a report or complaint under this policy or who are involved in addressing or investigating it must keep the matter confidential, in order to safeguard individuals against unsubstantiated allegations, to protect complainants from retaliation or reprisal, to protect the rights of those involved in the allegations, to prevent an unjustified invasion of their personal privacy, and to preserve the integrity of the appeals process.

No Reprisals

No person shall take any action constituting a reprisal or retaliation against a person for having brought a complaint under this policy, whether or not the complaint is substantiated.

Related Policies and Documents

AA-004-F Academic Misconduct Form

SA-001-F Violation of Student Code of Conduct Incident Report Form

AA-004-F Appeal Form

Addendum: Flow Chart

**Addendum
Flow Chart**



