

# **St. Francis Xavier University Community Code of Conduct**

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**Department of Student Life**

**Approved by Senate December 2, 2019  
Effective February 1, 2020**

**Updated July, 2020**

## Table of Contents

1. INTRODUCTION .....	2
2. STUDENT RIGHTS.....	2
3. STUDENT RESPONSIBILITIES.....	3
4. AUTHORITY AND DELEGATION OF POWER.....	3
5. DEFINITIONS.....	4
6. SCOPE .....	5
7. PRIVACY & CONFIDENTIALITY .....	5
8. JURISDICTION .....	6
9. SOCIAL MEDIA AND ON-LINE POSTINGS.....	6
10. CONFISCATION OF PROHIBITED ITEMS AND/OR SUBSTANCES.....	7
11. STANDARD AND BURDEN OF PROOF .....	7
12. REPORTING BODIES.....	7
13. FORMAL RESOLUTION PROCESS.....	8
14. APPEALS TO FORMAL RESOLUTION .....	9
15. STUDENT ADVOCATES AND SUPPORT PERSON(S).....	9
16. MINOR OFFENCES .....	10
17. MAJOR OFFENCES .....	11
18. OUTCOMES .....	12
19. EVIDENCE AND TYPES OF EVIDENCE.....	16
20. RECORDS .....	16
APPENDIX A: RELATED POLICIES .....	18
APPENDIX B: DISCIPLINE AND APPEALS COMMITTEES .....	19
APPENDIX C: COMMITTEE HEARING PROCEDURE.....	21

## **1. Introduction**

St. Francis Xavier University is a distinct educational community of students, faculty and staff involved in learning, teaching, research, and many other activities.

Students become members of this community upon admittance to an academic program and assume the responsibilities to that program and the University.

All members of the University community have a responsibility to support an environment that is conducive to the personal and professional growth of all who study, work, and live within it. In the broadest terms, all members of the St. Francis Xavier community are expected to:

Be Honest

Have Respect for Self

Have Respect for Others; their wellbeing and their property

Have Respect for the standards of the University and the laws of the Town of Antigonish, the Province of Nova Scotia and the Country of Canada.

The purpose of this Community Code (herein after referred to as “the Code”) is to outline the limits of conduct considered reflective of the behaviours noted above, and to define the procedures to be followed when students fail to meet the accepted standards of behaviour.

The primary objective of the Code is to be formative in nature, where possible, and to balance the rights and responsibilities of Students with campus safety and security.

All students and recognized student groups are expected to maintain a high standard of conduct based on the Student Rights and Responsibilities described in Section 2 and 3 respectively, and that is appropriate to a community of scholarship and learning.

Nothing in this Code will prohibit freedom of speech, peaceful assembly and lawful demonstration and picketing.

## **2. Student Rights**

In recognition of student rights and dignity as members of the University community, St. Francis Xavier University is committed to supporting the following principles and to protecting those rights specified by federal and provincial human rights laws, as well as in the policies adopted by the University Senate and in this Community Code of Conduct. Such rights include:

- 1) Every student has the right to a quality education.
- 2) Every student enjoys, within the University, all rights and freedoms recognized by law.

- 3) Every student has the right to be treated equitably by the University, its faculty and staff, and other students. Under and subject to the provisions of Canadian and Nova Scotian human rights law and the University Discrimination and Harassment policy (see appendix A), students shall not be discriminated against on the basis of age, race, color, religion, creed, sex, gender, sexual orientation, physical or mental disability, irrational fear of contracting an illness or disease; ethnic, national or aboriginal origin, family status, marital status, source of income, or political belief, affiliation, or activity.
- 4) Every student has the right to safeguard their dignity and has the right to be protected by the University against the harmful conduct of other members of the University community.

### **3. Student Responsibilities**

- 1) Students will be prepared to engage seriously in the pursuit of learning within an ordered academic institutional environment.
- 2) Students' personal integrity and self-respect will be reflected not only in honest, responsible behaviour, but also in a willingness to extend support and direction to others whose behaviour appears harmful to themselves or the community. Students will not indulge in behaviour that endangers their own sustained effectiveness or that has serious ramifications for the safety, welfare, and academic well-being of themselves and others.
- 3) Students are expected to obey the laws of Canada, the Province of Nova Scotia, the Town of Antigonish, and the rules and policies of the University, including this Community Code of Conduct.
- 4) Students have a responsibility to familiarize themselves with the University regulations and the conduct expected of them while studying at St. Francis Xavier University. Ignorance of the regulations shall not be considered an excuse for breaching the Code.

### **4. Authority and Delegation of Power**

By action of the Board of Governors of St. Francis Xavier University through the University Bylaws Part Two Section 2, Article IV (d), the Senate is ultimately responsible for the determination of policy regarding student affairs including establishing and maintaining policies and procedures related to the making of non-academic discipline regulations in this Community Code.

Under the University by-laws, Part Two Section 9, the Director of Student Life is charged with responsibility for the preparation and presentation to the Senate of regulations for the provision of good order in the University community (the Community Code). In practice, the Senate has delegated to the Director of Student Life the day-to-day responsibility for the overall operation and effectiveness of the disciplinary structure. The Director of Student Life reports to Senate through the Vice President, Students.

Adjudicative functions in disciplinary matters are assigned to the adjudicative and appellate bodies of the University.

## **5. Definitions**

“Guest” means a person who is visiting a student on campus.

“Hazing” means any action taken or situation created for the purpose of initiation or affiliation with any University organization or team, with or without the consent of the individual, which jeopardizes the physical or mental well-being of the individual. (see Appendix A for additional information).

“Recognized Student Group” includes the following organizations:

- (i) Student groups that have been recognized under the St. Francis Xavier University Students’ Union Operating Policy – Clubs Recognition; and
- (ii) Student groups that are recognized by Student Services.

“Student” means a member of the University community upon admittance to an academic program, including post graduate students and students of the Coady International Institute. It further includes persons who are eligible to receive any of the rights and privileges afforded a person who is enrolled at the university, including, but not limited to, those individuals admitted to the University and attending orientation programs. Student status lasts until an individual graduates, withdraws, or is dismissed.

“Manager, Restorative Practices and Student Conduct” means an individual appointed by the Director of Student Life to internally investigate matters of misconduct under the Code, to conduct informal adjudications and to present cases to the Discipline Committee, and the Appeals Committee. An internal investigation entails gathering reports, witness statements, and any other relevant evidence such as photos, videos, or security footage, and is referred to as “investigation”.

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

“University Official” means any University employee, including but not limited to: University administration, staff, faculty, Safety and Security Services Staff, Residence Life Staff, Students’ Union official, member of the Discipline Committee, or Discipline Appeal Committee, Food Services employee, or contract employee.

“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.

## **6. Scope**

The Code may be applied in non-academic disciplinary matters involving students and Recognized Student Groups both on and off University premises.

The Code is the formal process for adjudication of non-academic student discipline. Informal resolution is the preferred approach; however, if informal resolution is unsuccessful, the matter will be referred to the formal process described in the Code.

Incidents of sexual violence are not within the scope of the Code. The process for reporting, investigation, and adjudication of sexual violence are described in the Sexual Violence Response Policy (Appendix A).

Students are expected to be personally responsible for their actions whether acting individually or in a group. The leaders or officers of a Recognized 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.

Student Host(s) is responsible for the conduct of their Guest, including any violation(s) of this Code to the extent that they could have (i) reasonably foreseen the problem, and/or (ii) taken steps to prevent the violation, and/or (iii) minimized the effect of their Guest's behaviour.

The University reserves the right to take necessary and appropriate action to protect the safety and welfare of the University community notwithstanding this Code. This may include taking necessary and appropriate action in cases where a student is accused of serious misconduct, and there is a clear link to the University community regardless of where the misconduct occurred or is alleged to have occurred.

The University reserves the right to administer the Code against a student even if a student withdraws from University or is no longer enrolled in classes.

Students continue to be subject to municipal, provincial, and federal laws while at the University, and violations of those laws may also constitute violations of the Code. In such instances, the University may proceed under the Code regardless of the action or inaction of civil/criminal authorities and may impose outcomes for violation of the Code even if such civil/criminal proceeding is not yet resolved or is resolved in the student's favour.

## **7. Privacy and Confidentiality**

University Officials are required to protect the privacy of students. Findings and outcomes are typically disclosed to the complainant unless legal restrictions have been placed on disclosure. Findings and outcomes are not disclosed to other students, student staff, or parents or

guardians unless signed consent has been granted to the Student Life Office by the student found in violation of the Community Code.

Students involved directly or indirectly are expected to respect the right to privacy for all students named in a reported Code violation. Students are expected to refrain from disclosing or discussing the details and outcomes of any case with anyone other than a University Official involved in the case, a Student Advocate, Support Person, or Health and Counselling Services.

Confidentiality cannot be assured however in the following cases:

- There is a serious or imminent threat of self-harm
- There is a serious or imminent threat of harm to another

## **8. Jurisdiction**

The Code is applicable to all students whether living on or off campus and to incidents that take place on or off campus. Students also have rights and responsibilities as tenants and residents of the community.

- a) Antigonish has by-laws that establish standards for conditions, occupancy, and maintenance of rental properties that are enforced by the Town's By-Law Enforcement Officer.
- b) Tenants have a responsibility to their landlord and to their neighbourhood, to maintain the cleanliness of their house and yard, be mindful of noise levels, and represent themselves and fellow Xaverians positively in the community. The Residential Tenancies Act ([www.gov.ns.ca](http://www.gov.ns.ca)) and town by-laws ([www.townofantigonish.ca](http://www.townofantigonish.ca)) are in effect. It is the student's duty to be familiar with these expectations.
- c) Students living in residence must abide by the Terms and Conditions of the Residence Contract.

## **9. Social Media and On-line Postings**

The means of expression of members of this community continue to evolve with the advent of social media tools. The University is supportive of these types of mediums, as they can greatly enhance social and learning experiences. The use of such tools comes with both rights and responsibilities.

Community members are reminded that images, postings, dialogues, and information about themselves or others posted on the internet are public information. While University officials may not actively monitor these sites, content that is brought to the attention of the University which describes or documents behaviour that reasonably suggests a breach of University policy may be subject to further investigation and action under the Code.

## **10. Confiscation of Prohibited Items and/or Substances**

Where a University Official is made aware or becomes aware of a prohibited item or substance such as illegal drugs, unauthorized medications and pharmaceuticals, or drug paraphernalia on University Premises, the prohibited item(s) will be confiscated.

Depending on the quantity and nature of the item or substance, either the Residence Life Coordinator, Manager, Residences or the RCMP may be called to an incident to remove it. Confiscation will be documented as an incident report.

## **11. Standard and Burden of Proof**

At each level of decision making, the onus is on the University, to establish that there has been misconduct by the student which violates the Code.

*Preponderance of evidence (balance of probability) is the standard used to determine when a violation is more probable to have occurred than not, as outlined in the Community Code. This standard is generally understood as meaning that the evidence provided shows it is more probable than not that the events under review occurred. It is important to note the distinction between this standard and the burden of proof ("beyond a reasonable doubt") used in Canadian criminal law. The degree of probability increases proportionately to the seriousness of alleged violations that may constitute illegal or criminal misconduct.*

## **12. Reporting Bodies**

Any member of the University community is entitled to make a report for investigation under the Code. Normally, reports are expected to be received in writing during the next business day after the incident has occurred. Formal reporting bodies include the Director of Student Life, Manager, Restorative Practices and Student Conduct, Residence Life Staff, and Safety and Security Services.

Students are encouraged to report behaviour that is considered disruptive or dangerous to an individual or the community. Students who make a report but wish to remain anonymous may provide information that will be kept on file but not formally investigated as a violation of this Code, unless extraordinary circumstances require the University to assess and manage a reasonably foreseeable threat, including a serious and imminent threat of harm. As such, responsibility cannot be adjudicated, and sanctions would not apply.

Anonymous reports may be helpful for understanding the current issues both on and off campus so that effective educational and preventative programming can be designed and implemented. A formal report involves an investigation of the incident to address specific violations and engage students in a developmental and restorative process.

### **13. Formal Resolution Process**

The Manager, Restorative Justice and Student Conduct reports to the Director of Student Life and acts under their authority to implement the regulations of the Code. The Manager, Restorative Justice and Student Conduct is responsible for the assessment and investigation of reports.

The Manager, Restorative Justice and Student Conduct will arrange a mandatory meeting with the student to begin the investigation process. The goals of the initial meeting are to:

- 1) review student rights and responsibilities
- 2) review the incident
- 3) hear the student's perspective of the incident
- 4) discuss potential outcomes, interim measures, and the formal conduct process

For reported violations where there is no dispute regarding the facts of the case and there is no pattern of negative behaviour the Manager, Restorative Practices and Student Conduct may make a decision regarding findings and outcomes. In other cases the Director of Student Life and Manager, Restorative Practices and Student Conduct may elect that the report be sent to the Discipline Committee for a formal hearing. This determination can be made for various reasons, but the most common are that the severity of the incident warrants a formal proceeding, or that the student has exhibited a pattern of behaviour.

The Student will be notified by email of the date, time, and place of their formal hearing before the Discipline Committee at least 7 calendar days in advance. At the time of notice, any evidence that is available related to the incident will be provided to the student and any additional evidence received later will be provided as it is received, up to 24 hours before the hearing. The Hearing Procedure is outlined in Appendix C.

Prior to a formal hearing, the Director may, in consultation with the Vice President, Students, temporarily suspend or limit campus access, academic or other privileges of a student where there is a serious incident or series of incidents of alleged student misconduct. This outcome may be implemented without delay and is seen as a temporary measure until the incident can be examined and adjudicated under the Code. Imposing measures does not imply a finding of responsibility for the alleged offence; rather, it meets a demonstrated need.

The Discipline Committee may:

Proceed through the formal adjudication process and

- i. Make a finding of "not responsible"
- ii. Make a finding of "responsible" and impose outcomes outlined in Section 18

If a student does not appear for their hearing the Discipline Committee may adjourn the hearing or proceed in the student's absence.

Any outcome of the formal process shall take effect on the date indicated in the decision letter, regardless of an appeal request. Any change to an outcome as a result of an appeal shall take effect according to specified instructions in the written appeal decision.

#### **14. Appeals of a Formal Resolution**

Appeals of a decision and outcome given by the Manager, Restorative Practices and Student Conduct, Director of Student Life or the Discipline Committee will be heard by the Appeals Committee. The Appeals Committee shall be limited to the record from the original adjudication and shall have appellate jurisdiction over both findings and outcome.

Requests for Appeal may be submitted to the Student Life office within 7 calendar days by the student who is found responsible and has received an outcome for misconduct. A request for appeal may also be submitted by a representative of the Student Life Office on behalf of the University. The request will be forwarded to the Chair of the Appeals Committee for consideration. The request must describe the grounds on which the student is appealing. Grounds for appeal must meet one of these conditions:

1. There is a perception of prejudice or bias, or an unfair application of outcomes on the part of the adjudicative body,
2. Procedural fairness was breached in a manner that impacted the outcome or the process,
3. There were significant mitigating circumstances at the time of the incident, that were not known by the investigator, or not reasonably practical for the appellant to have made known to the investigator or the adjudicative body.

Once the Request for Appeal is received, the Chair shall obtain a copy of the student's file including all evidence presented to the adjudicative body and copies of the decision reached by the adjudicating body. The Chair will decide if the grounds for appeal meet the conditions to warrant a hearing.

If a hearing is warranted, the Chair will arrange an appeal hearing date and time, in conjunction with the Student Life Office. The appellant will be notified by email of the date, time and place of the appeal hearing. This notice will be provided at least 7 calendar days before the hearing. The Hearing Procedure is provided in Appendix C.

If the student does not appear for their hearing the Appeals Committee may adjourn the hearing or proceed in the student's absence.

#### **15. Student Advocates, Support Person(s) and Legal Counsel**

Students may choose to have a Student Advocate assist them with their case and speak on their behalf. In all instances, the student must notify the Student Life Office if they are bringing a Student Advocate, support person or lawyer so that arrangements can be made. The University will generally present its case through the Manager, Restorative Justice and Student Conduct.

### **Student Advocate**

The role of the Student Advocate is to support students through the discipline process, advise them, and speak on their behalf at the request of the student. Student Advocates will not represent students who wish to willingly mislead, misdirect, deceive, or lie to an adjudicative body during the course of the investigative or adjudicative process.

The Students' Union appoints Student Advocates during the academic year. These Student Advocates receive training from the Student Life Office related to the Code and other University policies that relate to conduct matters covered by the Code.

The Student Advocate will be provided access to all relevant evidence concerning the incident, whether harmful or helpful to the Student's case, concerning the alleged violation in a timely manner and not less than two days prior to the hearing. If there is video evidence to be viewed, then it is the responsibility of the Student Advocate to arrange a time to view the video prior to the hearing.

### **Support Person**

A support person may be anyone from the University Community that the student chooses to assist them in the discipline process (i.e. friend, counsellor, chaplain, Residence Life Staff, etc.). The support person may consult with the student but shall not be permitted to speak at the formal proceeding. The support person must also respect the confidentiality of all persons involved in the case (see section 7).

### **Legal Counsel**

The Student may request to bring their legal counsel only when the possible outcome includes university suspension. The student is required to inform the Student Life Office of their intention to retain legal counsel when such decision is made and at least 7 calendar days in advance of the scheduled hearing. The legal counsel for the Student may observe the proceedings and advise the Student, but shall not be permitted to speak at the formal hearing.

## **16. Minor Offences**

Minor offences are actions by a student or a student group against the University community, University policies or standards, which have caused minor harm. Minor offences are typically informally adjudicated. Students are entitled to a Student Advocate for minor offences. Minor offences include:

- a) Possessing open alcohol in unlicensed public areas
- b) Making excessive noise, or abusing powerful speakers, amplifiers and or subwoofers

- c) Removing any University appliance, furniture, fixtures, cafeteria dishes and/or property from its assigned area
- d) Unauthorized soliciting
- e) Littering on University Premises
- f) Hosting a Guest who commits a minor offence
- g) Having beer bottles in Residence
- h) Using heating elements (electrical or otherwise) in Residence other than those supplied by Residence Services
- i) Possessing or using prohibited items in residence as listed in the Residence Contract
- j) Participating in hall sports in Residence
- k) Having unauthorized pets in Residence
- l) Committing a breach of Guest Policy in Residence
- m) Making an unauthorized room or roommate change in Residence
- n) Possessing drug paraphernalia on campus.

## **17. Major Offences**

Major offences are actions by a student or a student group against the University community, or standards or policies and are typically adjudicated by either the Discipline Committee or the Judicial Board. These offences often involve (but are not limited to) actions which endanger health and safety and/or security of another individual or the University community or actions which contravene the laws of the land. Any third and subsequent minor offence as outlined under the Code may be considered a major offence. Major offences include:

- a) Interfering with any University Official in the performance of their duties including failing to comply with direction given in the course of performing those duties, or misleading, misdirecting, deceiving or lying to a University Official
- b) Failing to immediately produce identification when asked by a properly identified University Official during the course of duty
- c) Possessing, obtaining, distributing, or conspiring to obtain a false identification card, entrance ticket, stamp, or bracelet
- d) Misusing any campus building or room access key or card, leaving one's residence room unlocked and unattended where an infraction of this code has occurred
- e) Displaying or making pornographic material available for viewing in public areas
- f) Using abusive, sexist, racist, homophobic, or otherwise derogatory language in either verbal or written form, or gesture in the course of their interactions with another student, guest, or University Official
- g) Engaging in or encouraging any form of physical, written, or verbal assault, violence, harassment or threatening behaviour on any person which includes but is not limited to striking, grabbing, pushing, threatening.
- h) Organizing or participating in an unauthorized event as defined by the Risk Management Process (see Appendix A for further information) or committing a breach of the PEO contract or failing to follow the risk management process as outlined.

- i) Engaging in or encouraging the destruction, damage, defacing or theft of University property or the property of another member of the University community
- j) Tampering with, damaging or altering fire safety equipment, including but not limited to: setting off a false fire alarm and/or discharging a fire extinguisher and/or tampering with fire alarm systems such as heat detectors, sprinkler heads, fire alarm bells and smoke detectors
- k) Failing to immediately leave a building on University premises when a fire alarm has been sounded
- l) Publishing, distributing or displaying libellous materials or expressing slanderous statements in any form of media
- m) Entering or allowing access to University property without authority (expressed or implied) or entering into any university premises to which the student is forbidden free access
- n) Possessing, using or trafficking of illegal drugs, or any misuse of prescription medications, or pharmaceuticals (see Appendix A for further information)
- o) Possessing, storing or using any firearm, weapon or explosive, or pyrotechnic substance(s)
- p) Acting in a manner that would endanger the health and/or safety of any member of the University community (including themselves). This includes smoking or the use of vaporizing equipment in Residence or any undesignated smoking area
- q) Causing a disturbance which for any reason disrupts the good order of the University community
- r) Organizing, encouraging, or participating in unapproved orientation, initiation or hazing activities (see Appendix A for further information)
- s) Consuming, being found to have consumed, or found with alcohol in their possession while under the legal drinking age (19) or providing alcohol to minors
- t) Misusing or abusing alcohol including encouraging, engaging or participating in, or hosting a drinking game, possessing mass consumption or production paraphernalia, or being intoxicated in a public place
- u) Assisting with or conspiring in any prohibited conduct as defined in this Code
- v) Hosting a Guest who commits a major offence
- w) Failing to comply with or complete a Code of Conduct outcome for a violation of the Code, Student Success Plan, condition of Residence Contract, or any University Policies.
- x) Failing to adhere to the university's COVID-19 Pandemic Plan or exhibiting behaviours that are in violation of any local, provincial or federal legislation that relate to COVID-19 health and safety concerns.

## **18. Outcomes**

The following outcomes, with the exception of University Suspension, are available to any adjudicator or adjudicating body. The Discipline Committee may apply University Suspension as an outcome. These outcomes may be imposed with consideration given to the nature and severity of the incident, a student's conduct record, the impact of the incident and outcome on

the community, and the level to which the student was involved. They can be used on their own or in combination with another outcome(s).

a) Written Warning:

This is a written notice indicating the date, time and nature of the offence. Such behaviour must stop and repeated incidents may result in more serious outcomes.

b) Fines:

Fines cannot exceed \$500.00 nor be less than \$25.00

Once a fine has been given as an outcome, the student is given a period of time to pay the fine in cash after which time the fine is placed on the student's account at the business office. Any monies collected will be used by the Student Life Office for educational purposes.

c) Restitution:

This requires restitution to be made to another student(s) or the University for any loss or damage to personal or University property.

d) Remedial Outcome:

A student or group of students may be given work assignments, service to the University or greater community, participation in educational seminars, written assignments, written or oral apologies, or poster displays, or other such remedial outcomes that are deemed appropriate based on the circumstances or nature of the violation(s) and /or will benefit the University community or the community at large. The Student will receive an outline for the project, detailing expectations and a specific due date from the adjudicator. They may be an hour to 20 hours in length.

e) Removal of Guest Privileges:

Students in residence may have their guest privileges removed for a specific period of time. This may mean that students are not permitted to host non-student or student guests/visitors during this time. The specific conditions and timeline will be outlined for the student by the adjudicator.

f) No Contact:

This outcome requires the assigned student(s) to have no direct or indirect contact (including but not limited to in person, phone, text, email, social media through a third party etc.) with a specific individual or group of individuals.

g) Student Success Plan:

A Student Success Plan outlines a set of behavioural expectations, terms and conditions. It is developed by the Manager, Restorative Justice and Student Conduct with the student. The goal is to identify behaviours or patterns of behaviour that need to change in order for the student to be successful in the community, both academically and socially. The

plan is individualized to the student, and may incorporate assigned tasks, actions, or other discretionary outcomes, in conjunction with regular check-in meetings for a specified period of time.

h) Wellness Agreement:

A Wellness Agreement is a set of behavioural expectations, terms and conditions mutually developed by the student and a Student Life representative to help the student succeed personally and academically. The Director of Student Life or designate oversees this contract to ensure the student is meeting the expectations agreed upon. The Wellness Agreement is a living document that may be reviewed and adapted proactively to meet the growing needs of the student. A breach in the agreement could result in removal or relocation from residence.

i) Alcohol Probation:

Alcohol probation may be given to students found responsible for the misuse and abuse of alcohol. Students placed on alcohol probation agree to not possess or consume alcohol on University Premises nor return to University Premises under the influence of alcohol for a specified period of time, no less than to their 19<sup>th</sup> birthday.

j) Premises Ban

A student may be banned from any given floor, building, or operation on University premises. As well, a Guest may be banned from a floor, building, operation or the entire University premises. A premises ban may also be used as an interim measure by the Director of Student Life.

k) Behavioural Bond:

A behavioural bond cannot exceed \$500.00.

Students are required to provide a sum of money up to a maximum of \$500.00 for a specific period of time (up to a maximum of one academic year). If, at the end of that time, the student has not been found responsible for further violations of the Code the money will be returned. If the student is found responsible for further violations, any money collected will be forfeited and more serious outcomes may be imposed. All forfeited monies will be used by the Student Life Office for educational purposes.

l) Loss of Student Privileges:

Loss of Student Privileges must be applied for a specified period of time, determined by the adjudicator, during which the student is banned from participating in student sponsored social events, sporting events at the varsity or intramural level, and specific venues. The penalty may include only those particular privileges which are clearly specified but failing such specification it will be understood to include all social privileges. A loss of Student Privileges outcome is not intended to impact a student's ability to obtain and hold employment on campus.

m) Residence Probation:

This outcome is a formal notice informing the student that any kind of further offence can result in suspension or expulsion from residence. The length and terms of the probation will be determined based on the circumstances. Students who have been on Residence Probation during an academic year may not be eligible for readmission to residence the following academic year.

n) Disciplinary Probation:

This outcome is a formal notice informing the Student that any kind of further offence can result in suspension or expulsion from the University. The length and terms of the probation will be determined based on the circumstances.

o) Residence Relocation:

A Student may be transferred to another residence when their behaviour negatively impacts the residence community, or the residence community is deemed to have a negative impact on the student. The time period for relocation will be commensurate with the seriousness of the offence, normally within 72 hours. Under these circumstances the student is banned from their original residence or other specified residences for a period of time determined at the time of outcome and is given an automatic probationary status for the remainder of the academic year. Students relocated from a residence will not be eligible for re-admission to their original residence.

p) Residence Suspension:

Suspension from residence means that a student is removed from residence for the remainder of their current contract. The time period for leaving Residence will be commensurate with the seriousness of the offence, normally within 72 hours, and reflect the level of risk to persons and property within the residence if the student were to remain. The student remains responsible for their residence and food services fees. The student will also be banned from their original residence and/or all residences for a period of time determined at the time of outcome. Students suspended from residence will not be eligible for re-admission to residence.

q) Residence Expulsion:

A student who is expelled from the residence system must leave within a time period determined by the adjudicator in consultation with Residence Services. The time period will be commensurate with the seriousness of the offence, normally 72 hours, and reflect the level of risk to persons and property within the residence if the student were to remain. Students expelled from residence will not be eligible for re-admission to residence. The student will also be banned from *all* residences. Residence expulsion is a residence outcome only and does not affect nor will it appear on the student's academic record. The student remains responsible for residence and food service fees.

r) University 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. The notation will be removed when the student has served the terms of the suspension.

In the event Student Life foresees university suspension as a possible outcome, the student shall be provided reasonable advance notice in order to consider whether to seek independent legal advice.

### **19. Evidence and Types of Evidence**

All relevant evidence, whether helpful or harmful to the student, shall be made available to the student or the student's advocate prior to the adjudication. In the event that evidence is not reasonably available prior to the adjudication, the student must be given the option, once presented with the evidence, to continue on in the adjudication or to recess for a period of time to evaluate the new evidence.

The adjudicator may exercise reasonable discretion whether to admit evidence, any oral testimony, any document, written statement or other evidence relevant to the subject matter of the proceeding. The adjudicator is not bound by the laws of evidence applicable to judicial proceedings but shall make such admissibility rulings in a practical and reasoned manner.

The adjudicator must not hear evidence or receive representations regarding the substance of the case other than through the procedures described in this Code.

The Manager, Restorative Practices and Student Conduct may require students who were directly or indirectly involved in an alleged incident to complete a witness statement form or attend the adjudication. As members of the University community, students are expected to co-operate with Student Life in any disciplinary process. All parties may request to call, question and cross-examine witnesses, including the complainant. If the witness is not present at the time of the adjudication, and a witness statement form is used, the adjudicator may adjourn the proceedings to permit the witness to appear, if such evidence is materially in dispute. Witnesses, other than the respondent and the complainant, will stay in formal hearing only while they are testifying and responding to questions. A student charged with a violation of the Code has the right to remain silent. If the student charged chooses to testify, they are subject to cross examination.

### **20. Records**

Records of previous misconduct will be considered only when (a) determining who shall hear a case and (b) following a finding or admission of misconduct for the purposes of determining an appropriate outcome or resolution.

Formal adjudications may be audio-taped, at the discretion of the adjudicator, in order to obtain an accurate record of the proceedings. The decision not to record or the malfunction of recording devices or loss of the recording shall not invalidate, in any way, the related determination and outcome, unless the Appeal Committee adjudicates otherwise. Students may gain access to their recording, if any, in the case of an appeal.

Listed are the types of records kept by the Student Life Office.

**Hard Copy:** All hearing notes, documentation and student conduct files will be scanned and kept electronically. Paper copies will then be confidentially shredded.

**Electronic Copy:** All documentation reports and letters will be condensed and stored in a database maintained and secured in the Student Life Office. Electronic copies will be kept for seven years. Outcomes of suspension will be communicated to the University Registrar for recording on the student's transcript.

**Digital Audio Hearings:** All digital audio recorded hearings will be stored for 7 years. All audio files will be stored on a secured hard drive. The University is not responsible for any damaged or misplaced files.

## **APPENDIX A: RELATED POLICIES**

### Academic Integrity Policy:

[http://sites.stfx.ca/registrars\\_office/academic\\_integrity](http://sites.stfx.ca/registrars_office/academic_integrity)

### Discrimination and Harassment Policy

<http://www.sites.stfx.ca/equity/Policies>

### Risk Management Process:

[http://sites.stfx.ca/student\\_life/student\\_event\\_planning](http://sites.stfx.ca/student_life/student_event_planning)

### Smoking by-Law

[http://www.townofantigonish.ca/doc\\_view/246-smoking-by-law](http://www.townofantigonish.ca/doc_view/246-smoking-by-law)

### University Policy on Hazing and Initiation

[http://sites.stfx.ca/student\\_life/sites/sites.stfx.ca.student\\_life/files/Senate%20policy%20on%20hazing%20May%202011.pdf](http://sites.stfx.ca/student_life/sites/sites.stfx.ca.student_life/files/Senate%20policy%20on%20hazing%20May%202011.pdf)

### Cannabis Policy

<https://www.stfx.ca/sites/default/files/Cannabis%20Policy%202018.pdf>

### University Alcohol Policy

[http://sites.stfx.ca/student\\_life/student\\_conduct](http://sites.stfx.ca/student_life/student_conduct)

### University Sexual Violence Prevention Policy

<https://www.stfx.ca/sites/default/files/Sexual%20Violence%20Policy.pdf>

## **APPENDIX B: DISCIPLINE AND APPEALS COMMITTEES**

### **1. Discipline Committee**

- (a) The Discipline Committee shall consist of:
- three (3) full time students appointed by the Director of Student Life, in consultation with the Students' Union, for a term of one year, with eligibility for reappointment;
  - two full time (2) Faculty members elected by Senate for a term of three (3) years. No Faculty member may serve more than two (2) full terms consecutively;
  - one (1) staff member appointed by the President;
  - the Vice President, Students or designate.
- (b) The Discipline Committee is responsible to adjudicate all complaints involving breaches of discipline by students referred by the Director of Student Life.
- (c) The Discipline Committee shall have authority to make all findings of responsibility and shall have authority to apply all sentencing outcomes listed in Section 18 of the Code.
- (d) The Discipline Committee shall elect a Chair, who shall be a staff member or Faculty member of the Discipline Committee.
- (e) Quorum for any sitting of the Discipline Committee shall consist of four members, which must include two student members. One of the qualifying members shall sit as Chair, if the regular Chair is not present.
- (f) Any student before the Discipline Committee shall be entitled, at the student's option, to be represented and assisted by a Student Advocate.

### **2. Appeals Committee**

- (a) The Appeals Committee shall consist of:
- three (3) full time students appointed by the Director of Student Life, in consultation with the Students' Union, for a term of one (1) year, with eligibility for reappointment.
  - two (2) full time Faculty members elected by Senate, for a term of three (3) years. No Faculty members shall serve more than two (2) complete terms consecutively.
  - one (1) staff member appointed by the President.

- (b) The Appeals Committee shall hear appeals from the decisions of the Manager, Restorative Justice and Student Conduct, Director of Student Life, or the Discipline Committee.
- (c) The Appeals Committee shall hear an appeal based only on the evidence presented to the adjudicator unless the Chair of the Appeals Committee determines that special circumstances warrant the introduction of new evidence, in addition to the evidence already considered by the adjudicative body.
- (d) The standard for appeal is unreasonableness. The Appeals Committee shall only overturn or amend the findings and/or outcomes if it finds such adjudication to have been unreasonable in all of the circumstances. Otherwise, the Appeals Committee shall not substitute its opinion for a reasonable opinion of the Discipline Committee.
- (e) Quorum for any sitting of the Appeals Committee shall consist of four members, which must include two student members. One of the qualifying members shall sit as Chair, if the regular Chair is not present.
- (f) The Appeals Committee shall elect a Chair, who shall be a staff member or faculty member of the Appeals Committee.
- (g) Except as otherwise noted, the procedural provisions with respect to the Discipline Committee shall apply in like manner to the Discipline Appeals Committee.
- (h) An appeal to the Discipline Appeals Committee shall be filed in writing with the Director of Student Life within seven (7) calendar days of the decision or the adjudication under appeal.

**6. Other**

- (a) In the event there are insufficient members available to constitute a quorum for any adjudicative body, the appointing authority may appoint a temporary substitute.
- (b) No person shall be eligible to sit on the Discipline Committee at the same time as that person is a member of the Appeals Committee, for the same case.

## **APPENDIX C – COMMITTEE HEARING PROCEDURE**

1. Hearings will be closed to the public.
2. The Chair will facilitate the proceedings and give direction to committee members and hearing participants.
3. The Chair will open the hearing, inform the participants of the audio recording (if applicable), and invite introductions of all participants and their roles.
4. The Chair will confirm the alleged Code violations with the student and explain the hearing process.
5. The Chair invites the investigator (typically the Manager, Restorative Justice and Student Conduct) to present the University's case.
6. Committee members ask questions of the Manager, Restorative Justice and Student Conduct. The Chair may disallow any questions that are not relevant or not appropriate.
7. The Chair invites the respondent to present their case to the committee.
8. Committee members ask questions of the respondent. The Chair may disallow any questions that are not relevant or not appropriate.
9. The Chair then asks for closing comments from each side.
10. The Committee deliberates in private.  
An Appeal Committee hearing will adjourn at this point.
11. In a Discipline Committee hearing, all but the Committee members are asked to wait outside the hearing room while they deliberate on whether or not there was a violation(s) of the Code. Once a finding is reached the participants are invited to rejoin the Committee to hear the finding.
12. If the adjudicative body finds the student responsible for violation of the Code, it will then hear from the parties regarding consideration of outcomes.  
The Discipline Committee Hearing will adjourn at this point.
13. All outcomes will be given to the Student Life Office in writing. Communication of the outcomes will be in a formal letter from the Chair, through the Student Life Office.

### **Post Hearing**

When an appeal has been terminated, the Director, Student Life shall ensure that any outcomes applied are implemented.