



Community Code of Conduct

Classification:

Responsible for Policy: Director of Student Life, Student Services

Executive Sponsor: Vice-President, Students

Approval Authority: Senate

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PURPOSE

The Xaverian community of staff, faculty, and students aspires to create an environment where every member contributes to and receives a sense that they are valued and belong by showing thoughtfulness, consideration, and care toward each other in all interactions, recognizing the value in each person and treating others with fairness and dignity. The purpose of this Policy is to:

- i. explain the expectations for non-academic conduct of students;
- ii. establish a procedure to respond to complaints in a manner that is procedurally fair, trauma-informed, culturally appropriate, and treats all persons involved with dignity and respect
- iii. establish and maintain a climate and culture at StFX of a safe and respectful learning, living and working environment; and

The guiding principles of this policy are:

- i. We engage students in opportunities to learn from others and broaden their own worldviews while opening themselves to appreciating others' worldviews.
- ii. We are guided by restorative principles, and our approach to building and maintaining a healthy community encourages students to reflect on their role in the community, the impact of their choices, and what they have learned about themselves and others through their experiences.
- iii. Students are engaged in a process of self-discovery that emphasizes positive engagement in healthy relationships by reflecting on their impact on others, and how to effectively communicate to address problems on their own.
- iv. When appropriate, a restorative approach to resolving student misconduct will be implemented with a focus on learning and restoring the community. The StFX approach embeds restorative practices into proactive community building and community maintenance when issues arise.

- v. The StFX approach includes a commitment to practices that acknowledge one's physical, psychological, and emotional well-being. The goal is to promote a culture of safety, empowerment, and healing.

Being Xaverian is an active commitment to caring about the community we are part of, and understanding that, as a community, we embrace and live by the expectations and values of:

- Belonging
- Resilience
- Courage
- Respect
- Learning
- Flourishing
- Community

Conduct that would jeopardize the mission or functioning of the academic and non-academic programs and activities, or that would endanger or adversely affect the health and well-being, safety, rights, security, or property of the University, its members, and visitors, is subject to discipline under this Code.

SCOPE

The StFX Community Code of Conduct applies to all reports of non-academic misconduct by a student or a group of students that occur anytime in the calendar year, regardless of registration in a course. As we like to remind students, they are Xaverians no matter where they are. This means that each member of the StFX community is responsible for their behaviour, both on and off campus, including online or virtual activities, including incidents that occur:

1. on the StFX campus or any University owned or affiliated property;
2. at a University sponsored program, event, or activity held either on or off campus including off-campus learning and experiences;
3. when the individual is acting as or holds out that they are a designated representative of the University or a student organization, team, or organization at the University, whether sanctioned or unsanctioned;
4. using technology or technology-based media that is linked to the University or carried out using StFX University's network, equipment, or technology;
5. where the behaviour has, or might reasonably be seen to have an adverse effect on the interests of the University, relations with neighbours and community organizations, or the rights of a member of the University community to use and enjoy the University's learning and working environments;
6. when there is concern for the safety, security, and well-being of an individual or individuals while on campus or while participating in University programs, events, or activities; or,
7. that has been referred by the Town of Antigonish or the RCMP to StFX.

The Manager, Restorative Practices and Student Conduct (MRP) is responsible for the day-to-day administration of the Code. They investigate and adjudicate matters of non-academic misconduct by a

student, provide guidance on Restorative practices, and facilitate student meetings.

Incidents of sexual violence are not within the scope of the code. The process for disclosing, reporting, investigation, and adjudication of sexual violence is described in the StFX Sexual Violence Response Policy.

Incidents of harassment or discrimination are not within the scope of the Code. The process for reporting, investigation, and adjudication of harassment and discrimination is described in the StFX Harassment and Discrimination Policy.

The Residence Community Standards describe the expectations specific to living in residence on campus and the process for responding to and resolving incidents that fall under the scope of Residence Standards. Incidents in residence that involve potential violations of the Code fall within the scope of the Code and will be resolved as described in this policy.

Off-Campus Misconduct

StFX reserves the right to investigate and respond to off-campus violations by one or more current StFX student(s). The Director, Student Life (or designate) will consider the following factors in determining if an investigation into off-campus conduct is appropriate:

1. whether or not the University has sufficient authority and/or access to evidence to conduct a thorough investigation;
2. the extent to which the incident occurred as a result of a direct connection or relationship to the University;
3. the extent to which the incident poses a risk to the safety of members of the StFX community;
4. the extent to which the incident poses a reputational risk to the University; and/or,
5. whether there is another body or process that would be more appropriate in resolving the matter.

Where it is found that an investigation into off-campus conduct is not appropriate, StFX is committed to providing programming and resources to address issues between students and residents in the surrounding community.

Coady Participants, Accountability to Professional Standards, Student-Athlete Code of Conduct Agreement or Student Employment

All students are accountable to the Code. Some students may also be accountable to other standards such as the Student-Athlete Code of Conduct Agreement, professional standards in Education and Nursing, and student employee agreements. The Student Life office will share information and consult with other departments in these cases regarding immediate measures and outcomes for a finding of responsible.

Coady participants are responsible for the expectations in the Code. Reports of potential violation by a Coady participant will be investigated through the Student Life office in consultation with the Coady Director of Programs. If there is a finding of responsible the Coady Director of Programs will be consulted on appropriate outcomes including restorative resolution processes or formal adjudication as appropriate.

Reports of behaviour that is a potential violation of the Code, will be investigated through the Student Life office. Where a student is known to be a varsity athlete at StFX, the Athletics Director will be notified

of the incident and investigation. The Athletics Director will be consulted when determining immediate measures. If there is a finding of responsible the Athletics Director will have the opportunity to impose additional outcomes with respect to participation in team activities, up to and including suspension or removal from the team.

Similarly, when a student holds a position of employment or formal leadership role at StFX, the student's supervisor or head of the department will be notified of the incident and finding. Additional outcomes may be applied related to the student's employment. Student roles include, but are not limited to, X Patrol, Residence Life staff, and Students' Union positions (paid or unpaid).

Students in the professional programs of Nursing or Education who are found responsible for a Code violation may also have additional outcomes where the behaviour also violates professional standards for their program.

DEFINITIONS

Word/Term	Definition
Adjudicator	The person who has the authority and responsibility to assess and assign outcomes for this Code. The Manager, Restorative Practices and Student Conduct or an individual appointed by the Director, Student Life in all circumstances except where University Suspension or Expulsion is a potential outcome (See definition of Responsible Authority)
Balance of Probabilities	Proving a case on a "balance of probabilities" is a civil burden of proof, meaning that there is evidence to support the allegation that the comments or conduct "more likely than not" took place, and that the behaviour was in violation of the Policy Section of the Code.
Coady Participant	A student registered in a program through the Coady International Institute.
Complainant	In a formal investigation process, the Complainant is a person who alleges that a student has violated the Policy section of the Code.
Freedom of Information and Protection of Privacy (FOIPOP)	FOIPOP is federal legislation that describes the legal obligations of institutions that collect and store private information about a student.
Guest	A person not affiliated with StFX who is visiting a student on campus.
Harmed Party	In a restorative resolution process, the Harmed Party is the person, organization, or group that has been harmed by another person's actions.

Incident	A report of behaviour that is reviewed and alleges a violation of the Policy section of the Code.
Investigator	Manager, Restorative Practices and Student Conduct or an individual appointed by the Director, Student Life to internally investigate matters of non-academic misconduct by a student.
Recognized Student Group	A formalized club or society ratified through the Students' Union Council, or a student group and recognized by the University.
Respondent	In a formal investigation process, the Respondent is the person accused of violating the Policy Section of the Code.
Responsible Authority	The Responsible Authority is the VP Students (or designate) who has authority and responsibility to assess and assign outcomes of this Code when University suspension or expulsion is a potential outcome.
Responsible Party	In a restorative resolution process, the Responsible Party is the person(s) that caused harm directly or indirectly to a person, organization, or group.
Restorative Justice	An informal resolution process through which all parties acknowledge and agree to understand the harm, and to collaborate and agree on a resolution. There may not be agreement on the facts of what happened, but there must be agreement that there was harm caused to others and a commitment to restore the relationships to move past the incident.
Restorative Practices	A philosophical orientation to community management that values the community and the relationships between its members. When an incident occurs where someone has caused harm to a person (including themselves), property, or the community, our approach is to seek understanding of the harm caused, the intentions of the person who caused harm, and resolutions that aim to rebuild the relationships that were affected by the behaviour.
Student	A student is considered any person admitted to an academic program, eligible to receive any of the rights and privileges afforded to a person who is enrolled in full or part-time undergraduate and graduate courses through StFX University. Participants in any Coady program are also included in the definition of a student.

Student File

A student's record of non-academic information and incidents of misconduct and resolution. The Student Life office maintains non-academic student files in electronic form. It protects students' confidential information as per the Freedom of Information and Protection of Privacy Act.

University Official

A University employee, including but not limited to: Safety and Security Officers, Residence Life Staff, Students' Union official, any staff or faculty member, a Sodexo staff member or contract employee.

POLICY

StFX is committed to providing students a learning, living and working environment that is caring, respectful, safe, and welcoming. The conduct listed below is contrary to this principle and is in violation of this Policy.

A. Disruption, Harmful Behaviour, Endangerment, and Violence

Students may not engage in or encourage any behaviour that is disruptive, harmful, is violent, or endangers oneself or others. This includes but is not limited to:

- i. infringes on the rights of others to participate in University activities and community engagement;
- ii. creates a situation that endangers or threatens the health, safety, or well-being of oneself or another individual;
- iii. expresses or promotes offensive, abusive, sexist, racist, homophobic, or derogatory language or images;
- iv. invades the privacy of another individual or sharing or falsifying information about another individual without that person's consent, through any method of communication.
- v. failing to uphold a condition or probation of a previous sanction or immediate measures under the Code;
- vi. unauthorized use, recording of, or dissemination of information, including audio, visual or digital content or images of an individual that is unwelcome and/or known or ought reasonably to be known to cause harm or distress;
- vii. creating a disturbance in a public place such as unreasonable noise or public urination;
- viii. failure to properly monitor the conduct of a Guest; or,
- ix. failing to reasonably prevent, intervene or report when witness to a harmful act.

B. Damage, Destruction, and Theft

Students may not engage in or encourage any behaviour that involves damage, destruction, and theft. This includes but is not limited to:

- i. possession or use of University property or property of another person without appropriate consent or authority;
- ii. misuse and/or tampering with any university safety equipment including but not limited to firefighting equipment, fire alarms, smoke detectors, or other fire safety equipment;
- iii. misappropriation, destruction, or damage of University physical or virtual property or resources;
- iv. misappropriation, destruction, or damage of other's property; or
- v. defacement of any University facility, fixtures, building, or property.

C. Fraud, or False or Misuse of Information

Students are prohibited from acts of Fraud, or False or Misuse of Information. This includes but is not limited to:

- i. forgery, misuse of, or alteration of any University document or record, in paper or electronic form;
- ii. obtaining University equipment, material, or services by fraudulent means;
- iii. organizing or participating in an unauthorized event or activity that could be perceived as sanctioned or endorsed by the University without following appropriate approval processes;
- iv. providing false information or identification to a University representative on behalf of the University, University Staff or Faculty, and StFX Students' Union.

D. Unauthorized Presence or Entry

Restricted or unauthorized space is any space that is indicated as restricted with signage, any area that is locked, areas requiring a swipe card or key, or any area where a reasonable expectation of privacy exists. When in doubt it is the responsibility of the student to seek clarification prior to entering or occupying the area. Students are prohibited from:

- i. entering or occupying any University areas not designated for student use without proper authorization;
- ii. failing to vacate a University area upon request of a University representative, staff, or faculty; or,
- iii. allowing others access to an area designated as restricted.

E. Illegal Activity, Weapons, and Illicit or Prescription Substances

In addition to this Code and University Policies, students are prohibited from breaching any federal, provincial, or municipal laws, the by-laws of Antigonish, or the Criminal Code. Regardless of any criminal or civil proceedings, violation of the Code or University policies will be adjudicated as described in this code. This includes but is not limited to:

- i. Breaching any law or by-law;
- ii. possession or use of weapons on campus;
- iii. possessing, misusing, or trafficking of prescription medication or pharmaceuticals;
- iv. participating in or promoting behaviour associated with human trafficking; or,
- v. breaching Public Health guidelines and Emergency Acts.

- vi. use and/or possession of alcoholic beverages except as expressly permitted by law and StFX Alcohol Policy. This includes, but is not limited to, the underage possession or consumption of alcohol;
- vii. possession with intent to distribute and/or distribution of illegal drugs, controlled substances, non-prescription drugs, and/or prescription drugs not prescribed to the person in possession of these drugs.
- viii. possession of firearms or other dangerous weapons or replicas or chemicals not expressly authorized by StFX or otherwise a part of an academic program.
- ix. forgery, misuse, duplication, or alteration of any document, record, or StFX brand for the purpose of personal, monetary, or academic gain within the College.
- x. failure to comply with sanctions imposed by law.

F. Violation of University Policies

Students are responsible for knowing and upholding all University policies, which can be located at: <https://www.stfx.ca/about/university-governance/university-policies>.

When a student is alleged to have violated any University policy or regulation for which there is no established process for a response, the alleged violation may, at the discretion of the Director of Student Life, be considered an allegation of a violation of the Code and addressed pursuant to the provisions of the Code.

When there is a pattern of behaviour that has not been successfully corrected through the Residence Community Standards resolution process or there is significant harm to the residence community by a student living in residence, a Residence Life Coordinator or the Manager, Residence can refer the case to be investigated and adjudicated through the Code.

PROCEDURE

The Procedures outline the approach taken in understanding and addressing a potential breach of the StFX Student Code of Conduct. A trauma-informed, intersectional, and culturally responsive lens will be applied throughout StFX Procedures.

Documentation and Reporting

All incidents to which Safety and Security and/or Residence Staff (Community Advisors, Senior Community Advisors, or Residence Life Coordinators) respond, must be documented. The report of an incident includes observable and relevant information from the official who responded and represents no determination or assumption of responsibility on the part of the student(s) named.

Reports by individuals other than Safety and Security and/or Residence Staff may be submitted by making a written or verbal statement to the Manager of Restorative Practice and Conduct setting out the full particulars of the alleged incident and a summary of relevant evidence available (documents, witnesses, etc.). When a verbal statement is made, the MRP shall prepare a written summary to be signed and approved by the Complainant; In cases where the MRP is not the Investigator, a brief written

or oral statement may be provided that contains the name of the Respondent, the date(s) and general nature of the allegations, and a request that the details be taken by the Investigator, so as to avoid the Complainant having to tell their story on multiple occasions.

Those who are unsure if the concern belongs with the StFX Code of Conduct Policy should still submit a Report.

Students may seek out a trusted StFX employee to help them decide if they want to submit a report, learn about what happens when they do, or assist them with moving forward with a Report. The University encourages individuals to submit a report as soon as possible after a situation occurs. The University recognizes individual differences and historical trauma may impact reporting times so there are no deadlines for making a report, however, some types of information may not be available with time.

The University has limited ability to act on anonymous reports.

The Manager, Restorative Practices and Student Conduct (MRP) The MRP is responsible for the assessment and investigation of reports of potential non-academic misconduct. The MRP determines the appropriate process when a report is submitted to the Student Life Office.

StFX staff and faculty are governed by the Freedom of Information and Protection of Privacy Act which means that Student Life is limited in the information that can be shared after a report is made.

Confidentiality

Information is considered confidential but will be shared with other StFX community members as reasonably required to investigate and resolve a complaint. The identity of the person reporting a concern will be disclosed to the Respondent.

In rare cases, the University may keep the identity of the reporting individual and any identified witnesses confidential,

All individuals involved in the process and having access to the information contained in a file, including the report, are expected to hold this information as confidential to protect the integrity of the process and personal information of those involved.

Immediate Measures

StFX exercises its authority and discretion with respect to the operation, protection, and control of the University Premises, and the regulation of persons on campus insofar as is necessary to ensure the safe and orderly performance of the University's functions.

In situations where a student's alleged misconduct affects others' use of University privileges and facilities, the University may take steps to ensure the safety and welfare of the StFX community. These circumstances include:

- where there are reasonable grounds to believe that the safety and well-being of other people is endangered;
- there is concern that damage to University property is likely;

- concern that the continued presence of the Student would be disruptive;
- when the student's presence could lead to a breach of court-imposed restrictions (e.g., release or probation conditions or a peace bond including a non-association order) or where the University is unable to reasonably accommodate the conditions;
- When there are reasonable grounds to believe that a Respondent's personal health and wellness are being significantly impacted and affecting their academic success and/or conduct; or
- When there is a reasonable risk to the integrity of any potential investigation, such as when someone's presence could jeopardize an investigation of the incident.

Immediate measures may be requested by a complainant or recommended by the Manager, Restorative Practices and Student Conduct, and imposed by the Director, Student Life.

Immediate measures may be temporary or in place until the process under the Code is complete. Temporary immediate measures may be imposed without delay by Safety and Security Officers, Residence Life Coordinators, and the Manager, Residences. In this case, the measures will be reviewed by the Director, Student Life as soon as reasonably possible.

Immediate measures may include restrictions on a student's movement on campus, no-contact directives, suspension of Student privileges, probation, and other conditions as reasonably necessary. The VP Students (or designate) may temporarily suspend the Student or enact other measures to ensure the safety of the StFX Community.

Immediate measures are in no way to be construed as indicative of responsibility and shall remain in place until the allegations are resolved or until other evidence emerges that indicates the risk of concerning behaviour has been alleviated.

When StFX University is made aware that criminal proceedings have been initiated against a Student, and the Student's presence may cause a disruption to the living and learning environment or impact to campus or individual safety, or may impact vital University interests such as a safe learning environment, the Director, Student Life (or designate) will determine how to proceed under this Code.

Following an investigation, the adjudicator will impose an outcome in accordance with the factors in the Decision and Outcomes section (p. 12) if there is a finding of responsible. These factors are often not known prior to the investigation. Therefore, at the stage of imposing Immediate Measures, there may be a wide range of possible outcomes. The Immediate Measures must not be more severe than the most severe possible outcome that could result from a finding of responsible.

Criminal Code Proceedings

Students are prohibited from conduct that violates the Criminal Code. Proceedings under federal or provincial statutes do not preclude any proceedings pursuant to the StFX Community Code of Conduct.

The Director of Student Life may, at their discretion, defer an investigation and/or adjudication of a complaint under the StFX Community Code of Conduct until a finding is made by a court of law. The deferral may also involve interim measures, terms, and conditions as are appropriate in the circumstances, up to and including interim suspension from the University.

Where a Respondent has been charged criminally for an offence, StFX will suspend its investigation under this Policy until the police investigation is complete (all police interviews are finished). StFX reserves the right, at its sole discretion, to follow the Student Code of Conduct after the police investigation is complete, even if the criminal court process is ongoing.

StFX may continue its investigation even before the police investigation is complete if the police or Crown do not object and the student Respondent consents, or if exceptional circumstances exist, such as relating to the health and safety of the Complainant or campus community, that is not otherwise addressed by any criminal conditions or Immediate Measures imposed.

Evidence of a conviction for a criminal or quasi-criminal offence shall be prima facie (accepted as correct) evidence of a violation of the StFX Community Code.

Determinations made and sanctions imposed under the Code” will not be subject to change because criminal charges arising out of the same facts were dismissed, reduced, or resolved in favor of or against the criminal law.

The Code and its application shall not supplant criminal liability. The University will cooperate with law enforcement where appropriate or required by law.

Integrity and Participation in the Discipline Process

The University has a duty to investigate every formal complaint and to adjudicate with fairness. As part of an investigation, hearing, or outcome pursuant to the Code, students are expected to:

- i. be honest, forthcoming, and truthfully represent information, and allow others to do the same;
- ii. comply with reasonable requests of a University representative;
- iii. attend meetings and hearings; and,
- iv. comply with all outcomes and sanctions determined by an adjudicating body.

The Process

Following a report that indicates that there may have been a breach of the student expectations described in the Code, an initial meeting is arranged with the adjudicator. Students are expected to participate in the meeting. Failure to participate in any conduct meetings will result in a decision based on the information provided in the report or gathered in the investigation.

Initial Meeting

StFX is a place for learning; as such, the preferred resolution approach is restorative and educational. The restorative process focuses on the educational and developmental opportunities for the student. Restorative resolution also supports community self-management, particularly in the residences on campus.

In most cases, the initial meeting with the student follows a restorative approach. The adjudicator will review the incident with the student and asks them if they agree with what is reported. Restorative resolution may be appropriate in situations including but not limited to:

- this is the first report about the student of this behaviour;
- the student was cooperative with responders;
- the risk to others was minimal;
- the harm caused was indirect and minimal; and,
- the student accepts responsibility for the behaviour, of their own free will.

Restorative Resolution

There are four tenets of restorative resolution: accountability, inclusive decision making, repairing harm, and rebuilding trust. These tenets provide the framework for the process of resolving conflict and restoring communities.

Accountability

Through restorative justice responsible parties actively take ownership by sharing what happened from their perspective, how they believe they impacted the harmed parties, and then works to make amends for the harm. In comparison, the responsible party in the punitive model is a passive party with the 'finding' & 'outcome' delivered to them, not decided upon with them.

Inclusive Decision Making

Rather than one person deciding the fate of the respondent, the decision-making in a Restorative Conference is done in collaboration with the parties who care the most, this includes both the responsible party and the harmed parties.

Repairing Harm

Instead of focusing on fact-finding, restorative processes identify how community members were harmed and how the responsible party can repair said harm(s).

Rebuilding Trust

Restorative justice views Code violations as a violation of people and relationships. When a violation takes place, it has an associated impact on the community that the responsible party lives in and the trust that the community (or individual harmed parties) has for the responsible party. Understanding the behavior from the responsible party's point of view and deciding how that party can work to repair the harm, ultimately helps that community trust, and reintegrate the responsible party back into the community.

When deemed appropriate by the MRP or Designate facilitator, a restorative resolution is the preferred method of resolving harm caused to the community. The goals of the process are acceptance of responsibility, mutual understanding, safety, and education/remediation. There are several options for a restorative resolution. Options may include but are not limited to:

- mediation (in the moment or after),
- a restorative meeting with voluntary participation by the responsible party(ies),
- or a structured restorative conference with voluntary participation by all parties involved.

Restorative resolution puts the power in the hands of those involved: the harmed parties, responsible parties, and affected community members. **There is no University authority imposing sanctions in Restorative processes.**

When an incident is considered to be resolved restoratively, there is no record of a violation of the Code. A record of the restorative resolution shall be maintained by StFX in the student file for a period of four years or for as long as the students are part of the StFX community whichever is longer. If a subsequent violation of similar nature occurs, it will be investigated through the formal process.

The case may be referred to the formal resolution process at any point by request of either the student or the facilitator (normally the MRP) if the student and facilitator are not able to come to a resolution or if the student does not participate in the restorative process.

Formal Investigation

If at the initial meeting, there is a dispute about facts that are material to a finding and no agreement on a resolution, the MRP will begin an investigation. The MRP will:

1. inform the Respondent of the investigation,
2. review student rights and responsibilities specific to the incident being investigated,
3. give the student the opportunity to provide a record of their perspective of the incident either at the meeting, in a written account, or at a meeting set for a later date;
4. inform the student if a residence suspension, suspension, or expulsion is within the range of possible outcomes, and,
5. share the next steps in the process and available supports and accommodations.

The objective of the formal investigation is to carry out an inquiry and make factual findings on a balance of probabilities and to determine whether the Respondent's conduct falls within the Policy section of the Code. The Investigator shall independently develop the approach to the investigation, which will include interviewing the parties and any witnesses as determined by the Investigator.

The Investigation is a non-adversarial fact-finding process. The Respondent will have the opportunity to know and respond to all the relevant evidence available to the Investigator. In cases where a Complainant is involved, each party will have the opportunity to pose questions to the Investigator, that the Investigator may consider asking of the other party or witness. The Investigator will determine whether those questions are relevant, appropriate, and/or will assist in the investigation.

Parties that engage in alternative resolution, do so on a 'without prejudice' basis. In other words, either the Complainant or Respondent may withdraw from the process at any time and any information or admissions shared in the process cannot be used against either party in an investigation under this Policy or in any other proceeding at StFX unless the parties have all mutually agreed to the use of the information in such other proceeding.

The Investigation should be completed in as timely a way as possible, with the goal of completing the Investigation within 20 calendar days following the initial meeting. StFX recognizes, however, that timelines cannot be fixed due to numerous factors that may impact the progress of an Investigation, including the health of the participants.

The MRP's decision will be delivered in the form of a letter to the respondent and will include the finding, the outcome, and a brief overview of the rationale for the decision.

Decision and Outcome

A finding refers to the decision of whether the student is responsible or not responsible for a violation of this Code. The MRP will determine the finding and assign the appropriate outcome in most cases. Preponderance of evidence, or the balance of probability, is the standard used to determine when a violation is more probable to have occurred than not. The degree of probability increases proportionately to the seriousness of the alleged misconduct and severity of potential outcomes.

The MRP will aim to take an educational and developmental approach to determine recommended outcome(s).

Student(s) found responsible for will be given an opportunity to make submissions on appropriate outcome (s). Outcomes are determined with consideration given to the nature and severity of the incident, a student's prior conduct record, the impact of the incident and outcome on the community, the level to which the student was involved, and the extent to which the student accepts responsibility. 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. Where University Suspension or Expulsion are potential outcomes, the student will be notified of this and of their right to seek legal advice. In place of a Student Advocate, the student may retain a lawyer for legal advice within the formal adjudicative or appeal processes outlined in the Code whenever the possible outcome includes residence suspension, University suspension, or University expulsion.

The following are potential outcomes that can be applied on their own or in combination with another outcome(s).

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.

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 to pay the fine in cash after which time the fine is placed on the student's account at the business office.

Restitution: this requires payment to be made to another student (s) or the University for any loss or damage to personal or University property.

Discretionary 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 discretionary 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.

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.

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.

Student Success Plan: A Student Success Plan outlines a set of behavioural expectations, terms, and conditions. It is developed by the MRP 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.

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.

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.

Behavioural Bond: A behavioural bond cannot exceed \$500.00. A bond amount is determined by the adjudicator for a specific period of time (up to a maximum of one academic year). If, during that time, the student is found responsible for further violations of the Code the bond amount will be charged to the student account.

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, or 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.

Residence Probation: This outcome is a formal notice informing the student that any kind of further offense 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 are not eligible for readmission to residence the following academic year.

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.

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.

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 for the term. 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 any residence.

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.

University Expulsion: Loss of all academic privileges at the University for an indefinite period. The expulsion is noted on the student's transcript.

University Suspension or Expulsion

When University Suspension or Expulsion is in the range of possible outcomes the investigator will make a finding on fact and prepare an investigator's report.

At the completion of the Investigation, the Investigator shall prepare a Report that contains:

- A description of the evidence of all witnesses and any documentary evidence relied on,
- A discussion of the findings of fact,
- A discussion of the findings of credibility with reference to the evidence,
- A determination as to whether, on a balance of probabilities, any act prohibited by this Policy occurred, and
- The reasons for the findings of fact and any finding of breach of this Policy (and any related policy).

The Investigator's Report constitutes the findings and the reasons for the finding, on which any Review of the findings will be conducted. The Report accordingly must provide a sufficiently detailed explanation of the facts and analysis to enable the parties and any reviewing body to understand the decision and the basis for the decision. A copy of the Investigator's report shall be provided to the Responsible Authority. The Responsible Authority may seek further information or clarification from the Investigator before accepting the Investigator's Report.

Once accepted, a copy of the report shall be provided to the Complainant (if applicable) and the Respondent. Copies of the Report provided to the parties shall be redacted of identifying information of any person other than the person receiving the Report. The respondent and complainant will have the opportunity to provide a written response to the report for consideration by the Responsible Authority within three days.

The Responsible Authority will review the report and any written response. They may consult with other persons as necessary.

The Responsible Authority may assign any outcomes described in the Code, including University Suspension or University Expulsion. When there is a complainant involved, the complainant will be informed of the disciplinary and remedial measures that resulted from their complaint.

Appeals

Appeals of a finding and/or outcome given by an adjudicator or the Responsible Authority are considered by the Appeals Committee. The Appeals Committee is limited to the case record from the original adjudication.

Requests for Appeal may be submitted by the student found responsible or the University to the Chair of the Appeals Committee through the Student Life office within 7 calendar days of the decision letter. 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; or,
3. There were significant mitigating circumstances or information at the time of the incident, that were not known or not reasonably practical for the appellant to have made known to the adjudicator.

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

If the request for appeal is granted, the student will have the opportunity to provide a written submission for the Appeals Committee to review along with the case material from the original investigation and decision. Normally appeals will be considered in writing only; however, a meeting with the student and the committee may be requested by the Chair or by the student.

If the student does not attend an arranged meeting or provide a written submission, the Appeals Committee will proceed with the review and make a determination.

Student Advocates and Support Person(s)

Students may choose to have a Student Advocate provide support during the process and attend meetings with the investigator.

Student Advocate

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 role of the Student Advocate is to support students through the investigative or appeal process, advise them, and assist the student to articulate their perspective. Student Advocates will not represent

students who wish to willingly mislead, misdirect, deceive, or lie to an adjudicator or Appeal committee during the course of the investigative or adjudicative process.

It is the responsibility of the student to arrange a Student Advocate and share all relevant information with them. With the Respondent's written consent, the Student Advocate will be provided access to all relevant evidence concerning the incident, whether harmful or helpful to the Student's case. 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 at the Student Life office.

Support Person

A support person may be anyone who the student feels can offer emotional support through the 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 either the informal or formal proceeding. The support person must also respect the confidentiality of all persons involved in the case. A support person can not be a witness to the incident who has provided evidence to the case. The support person will only have access to the information the student shares with them and the support person must keep this information confidential.

Legal Counsel

In place of a Student Advocate, the Respondent may retain a lawyer for legal representation within the formal adjudicative or appeal processes outlined in the Code whenever the possible outcome includes residence suspension, University suspension, or University expulsion. The Respondent must inform the Student Life office if they intend to have their lawyer accompany them to any meetings during the process.

RELATED POLICIES

Discrimination and Harassment Policy
Sexual Violence Response Policy
Hazing Policy
Alcohol Policy
Athletics Code of Conduct
Academic Misconduct Policy

RELATED MATERIALS

Community Code of Conduct - Appeals Committee Terms of Reference

Appeals Committee is a committee of the University Senate that is responsible for consideration of appeals of decisions on finding and/or outcomes by an adjudicator through the Community Code of Conduct.

Membership

The Appeals Committee shall consist of:

- (a) 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.
- (b) 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.
- (c) one (1) staff member appointed by the President.

The Appeals Committee shall elect a Chair, who shall be a staff or faculty member of the Appeals Committee.

Quorum for any meeting 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.

In the event there are insufficient members available to constitute a quorum, the Chair may appoint a temporary substitute.

Request for Appeals Process

When a Request for Appeals is submitted, a staff member of the Student Life Office on behalf of the Director, Student Life, will send a copy of the Request for Appeal, a copy of the case file including all evidence presented to the adjudicator, and copies of the decision reached by the adjudicator to the Chair of the Appeals Committee.

The Chair will review the Request for Appeal and determine if the grounds for appeal meet the conditions to warrant review by the committee. A review is warranted if the Request for Appeal demonstrates at least one of the following grounds:

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; or,
3. There were significant mitigating circumstances or information at the time of the incident, that were not known or not reasonably practical for the appellant to have made known to the adjudicator.

The Chair will notify the Student Life Office of the status of the request.

If a review is warranted (the Request for Appeal demonstrates one of the above grounds), the Student Life Office will notify the student that their Appeal will be considered by the Appeals Committee, inform the student that they may request an in-person meeting with the Appeals Committee, and inform the student that they may provide a written submission for the Committee to consider in their review.

If a review is not warranted, the student will be notified and provided with an explanation of the denial of the request. There is no further appeal option, and the original decision and outcomes will remain in place.

Appeal Review Process

Normally appeals will be considered in writing only; however, a meeting with the student and the committee may be requested by the Chair or by the student. If the student does not attend an arranged meeting or provide a written submission, the Appeals Committee will proceed with the review and make a determination.

When an appeal review is warranted, the Chair will notify the Appeals Committee members of a case and arrange a meeting time to review the case as a committee. If the student will be attending the meeting, the Chair may coordinate the scheduling with the Student Life Office as needed.

A copy of the Request for Appeal, a copy of the case file including all evidence presented to the adjudicator, and copies of the decision reached by the adjudicator will be sent to the members of the Appeals Committee by the Student Life Office in advance of the meeting.

The committee may request additional information from the adjudicator.

Members must declare when they have a conflict of interest in a case and the Chair will determine if the member must recuse themselves from the review.

The review meeting will be led by the Chair and will generally proceed as follows:

1. The Chair will open the meeting and confirm the case to be reviewed.
2. The Chair will ask if there are any conflicts to declare and, if any, recuse members who have a conflict of interest.
3. The committee will review the Request for Appeal, and the grounds on which the case is being reviewed. They will also identify from the request if it is the finding, the outcomes, or both that are being reviewed.
4. The committee will discuss the written submission from the appellant (if applicable) and the case material including the rationale presented for the original decisions.
5. If the appellant is in attendance at the meeting, the student will be given the opportunity to speak to the committee members directly. The committee members may ask questions of the appellant at the meeting. The appellant will then leave the meeting for the committee to deliberate.
6. The committee will make a decision by consensus to:
 - a. uphold the original finding and outcomes decided by the adjudicator,
 - b. overturn the finding (if the finding was requested to be reviewed) from responsible to not responsible for the violation, or
 - c. Modify the outcomes decided upon by the adjudicator.
7. Following the meeting and committee decision, the Chair will provide the decision and rationale for the decision to the Student Life Office.

The Appeals Committee members shall not keep records of any case and must destroy any copies they have at the conclusion of the review.

All communication between the Chair and the student will be facilitated through the Student Life Office to maintain an accurate and confidential record of the appeal process as part of the case file.

