

# **St. Francis Xavier University Community Code of Conduct 2018-2019**

---

**Department of Student Life**

**Approved by Senate May 15, 2018**

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.....	6
11. STANDARD AND BURDEN OF PROOF.....	7
12. REPORTING BODIES.....	7
13. STUDENT CONDUCT PROCESS .....	8
14. APPEALS TO FORMAL RESOLUTION .....	11
15. STUDENT ADVOCATES AND SUPPORT PERSON(S).....	12
16. MINOR OFFENCES .....	13
17. MAJOR OFFENCES .....	13
18. OUTCOMES .....	15
19. EVIDENCE AND TYPES OF EVIDENCE.....	18
20. RECORDS .....	19
APPENDIX A: RELATED POLICIES .....	21
APPENDIX B: FORMAL REPORTING BODIES .....	22
APPENDIX C: ADJUDICATING BODIES.....	23
APPENDIX D: FORMAL ADJUDICATION PROCEDURE – DISCIPLINE COMMITTEE AND JUDICIAL BOARD .....	29
APPENDIX E: APPEALS PROCEDURE – APPEALS COMMITTEE.....	31

## **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) Student's 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 Head of Student Services.

Adjudicative functions in disciplinary matters are assigned to the adjudicative and appellate bodies of the University. (see Appendix C)

## **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.

“Student Conduct Officer” 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, Judicial Board, 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, Judicial Board, Judicial Appeal Board, 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.

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 of Student Life 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, Student Conduct Officer, Residence Life Staff, and Safety and Security Services (see Appendix B).

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 as an FYI, which 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 to an FYI file.

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.

Imposing measures does not imply a finding of responsibility for the alleged offence; rather, it meets a demonstrated need.



### **13. Student Conduct Process**

#### **Informal Resolution**

The preferred approach to misconduct is an informal resolution. The informal process emphasizes a restorative focus and developmental opportunity for the student. Informal resolution also supports community self-management particularly in the residences on campus.

When student misconduct is reported, the Student Conduct Officer reviews the report and determines if the incident warrants a formal proceeding or if a resolution can be facilitated informally. Reports that are appropriate for informal resolution are assigned to the Residence Life Coordinator of the residence the student resides in, or the Student Conduct Officer for non-residence misconduct. The student will be invited to meet with their Community Advisor, their Residence Life Coordinator, or the Student Conduct Officer who will facilitate the informal resolution.

The goals of the meeting are to:

1. Have an overview of student rights and responsibilities
2. Review the incident
3. Hear the student's perspective of the incident
4. Discuss resolution options

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

#### **Formal Resolution**

##### **University Duties Related to Formal Resolution of Code Violations**

The University has at least four duties in response to reports of Code Violations:

- Duty to investigate
- Duty to operate with a high standard of fairness
- Duty to assess and manage a reasonably foreseeable threat
- Duty to meet a demonstrated need

(a) Duty to Investigate

Where a report has been made and the complainant requests an investigation, the University shall collect relevant statements and relevant evidence for presentation to the adjudicative body. Once a report has been made, a member of the Student Life Office will arrange a meeting with the complainant. The meeting will be an opportunity for the investigator (a Student Conduct Officer or Director of Student Life or delegate) to record the full statement of the complainant.

- (b) **Duty to operate with a high standard of fairness**  
Both the complainant and the student charged will be given the opportunity to give a full statement to the investigator. The investigator shall remain neutral and objective when gathering evidence for presentation to the adjudicative body and will make students aware of the supports available to them. The investigator's role is to gather as much relevant evidence as is reasonably available to present to the adjudicative body.
- (c) **Duty to assess and manage a reasonably foreseeable threat**  
Witness and complainant reports are confidential, except for disclosure to the student charged and for presentation to an adjudicative body. However, the University reserves the right, and has a duty to take action where there are exceptional circumstances, including as described in the Sexual Violence Policy and including a threat of serious and imminent harm to an individual. If the investigator believes such a threat may exist, they will notify the Director of Student Life and/or the Chair of the Judicial Board who will make a determination. The complainant will be made aware and supports will be made available.
- (d) **Duty to meet a demonstrated need**  
In certain circumstances, interim protective measures may be necessary to ensure the safety, security, and wellbeing of the complainant, any witness to the incident, and/or any member of the university community. Interim measures include, but are not limited to, moving an individual from one or more specified locations, restricting access to part or all of the University campus, and imposing appropriate conditions.

### **Formal Resolution Process**

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

The Student Conduct Officer 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 Student Conduct Officer may make a decision regarding findings and outcomes. In other cases the Director of Student Life and Student Conduct Officer

may elect that the report be sent to an adjudicative body 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 that the informal process has failed to correct.

The adjudicative body will typically be the Discipline Committee however in more serious cases the Director of Student Life will refer the case to the Judicial Board. The Judicial Board will hear and determine responsibility for serious level conduct including but not limited to:

- Reported Incidents of sexual violence, physical violence, or threatening behaviour
- Incidents in which there has been a severe impact on individuals or the community that violates a Student Right (see section 2)
- Incidents in which, if found responsible, the student faces potentially severe outcomes, such as University suspension or expulsion.

The Student will be notified by email of the date, time, and place of their formal hearing before the adjudicative body 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. Procedural rules for a formal hearing are outlined in Appendix D.

Prior to a formal hearing, the Director may, in consultation with the Head of Student Services, 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.

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 (a-q)
- iii. Refer the case to the Judicial Board

The Judicial Board may:

Proceed through the formal adjudication process and:

- i. Make a finding of “not responsible”
- j. Make a finding of “responsible” and impose outcomes outlined in Section 18 (a-s)

If a student does not appear for their hearing the adjudicative body may adjourn the hearing or proceed in the student’s absence.

Any outcome of either the informal or 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.

Should there be an appeal of University suspension or expulsion, the suspension or expulsion shall not take effect until the appeal is heard and decided. However, if the appeal is denied, suspension or expulsion may be retroactive to the date of the original decision. A student who has submitted an appeal of a University suspension or expulsion is not permitted to live on campus, and is responsible for finding alternative living arrangements, while the appeal is pending.

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

Appeals of a decision and outcome given by the Student Conduct Officer, Director of Student Life, or the Discipline Committee, will be heard by the Discipline Appeals Committee. Appeals of a decision and outcome given by the Judicial Board will be heard by the Judicial Appeals Board. The Discipline Appeals Committee and the Judicial Appeals Board shall be limited to the record from the lower adjudicative body 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 appropriate Chair (Discipline Appeals Committee or Judicial Appeals Board) 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 lower 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. Also, it will be recommended that the student seek out a Student Advocate at this time. The formal appeals procedures found in Appendix E shall be followed.

If the student does not appear for his hearing before the Discipline Appeals Committee or the Judicial Appeal Board, the appellate body may adjourn the hearing or proceed in the student's absence.

The Judicial Appeal Board considers appeals of serious level conduct cases adjudicated by the Judicial Board.

The Outcomes for cases involving University suspension or expulsion from either the Judicial Board or the Judicial Appeals Board may be appealed to the Senate Appeals Committee (see Appendix E).

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

Students may choose to speak for themselves or to have a Student Advocate present 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 Student Conduct Officer.

#### **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 four 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, RLS, 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 (see section 7).

## **Legal Counsel**

In place of a Student Advocate, the student may retain a lawyer for representation within the formal adjudicative or appeal processes outlined in the Code whenever the possible outcome includes either university suspension or university expulsion, for matters before the Judicial Board, the Judicial Appeal Board or the Senate Appeal Committee. 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. In all such matters, the University has the same right to retain counsel to assist in the presentation of evidence and argument on behalf of Student Life. Legal counsel for both parties shall be permitted to participate in accordance with principles of procedural fairness, as reasonably determined by the Chair of the adjudicative or appellate body.

## **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 offense
- 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.

A student who is found responsible for a minor offence is subject to the outcomes listed in Section 19 (a-e) unless it is a repeated incident, or a breach of any previous conditions placed on the student through this process.

## **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) Engaging in any form of sexual harassment and/or sexual assault on any person (please see Appendix A for further information)
- 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) 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.

A student who is found responsible for a major offence is subject to any of the outcomes listed in Section 18.

## **18. Outcomes**

Listed here are the outcomes available to any adjudicator or adjudicating body. 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) 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.
- 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 Student Conduct Officer 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 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 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 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 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.

s) University Expulsion:

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

Provided however that only the Judicial Board shall have adjudicative authority to consider outcomes of university suspension or university expulsion described in (r) and (s) above. In the event Student Life foresees either university suspension or university expulsion as a possible

outcome, the student shall be provided reasonable advance notice in order to determine whether legal counsel shall be exercised as an option, in place of either self-representation or a Student Advocate.

### **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.

In both the informal and formal proceedings, 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 Student Conduct Officer 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 have the right 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 student charged and the complainant, will stay in the informal or 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.

Informal or formal adjudications may be audio-taped, at the discretion of the adjudicator, in order to obtain an accurate record of the proceedings. Formal adjudications before the Judicial Board shall be taped. 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, the Judicial Appeals Board or the Senate Appeals 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 and expulsion 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)

### Sexual Assault and Sexual Violence Support

[http://sites.stfx.ca/student\\_life/sexual\\_assault/](http://sites.stfx.ca/student_life/sexual_assault/)

### 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)

### University Policy on Drugs:

[http://sites.stfx.ca/student\\_life/sites/sites.stfx.ca.student\\_life/files/Policy%20on%20Drugs.pdf](http://sites.stfx.ca/student_life/sites/sites.stfx.ca.student_life/files/Policy%20on%20Drugs.pdf)

### University Alcohol Policy

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

### University Sexual Violence Policy

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

## **APPENDIX B: FORMAL REPORTING BODIES**

**R.C.M.P.:** The R.C.M.P. provides police protection for the Town of Antigonish, including the campus. The R.C.M.P. makes regular patrols of University property and come to the aid of Safety and Security Services and Residence Life Management Staff upon request. University policy is to assist and co-operate fully with an external police agency.

**Safety and Security Services Staff:** Under the Director, Safety and Security Services, reporting to the Director Facilities Management, are responsible for the overall campus safety and security. Although they are not primarily responsible for enforcing the Code, when they observe breaches of the Code they are expected to report the same to the Student Life Office.

**Residence Life Management and Staff:** Are responsible for reporting incidents contrary to the Community Code of Conduct that occur in residence buildings. Also residence staff are responsible to report negative behaviour witnessed in dining halls.

**Residence Services Staff:** Under the direction of the Director of Ancillary Services, Residence Services manages aspects of the Residence Contract. A breach of the Residence Contract may be referred to Student Life for enforcement of appropriate outcomes and sanctions.

**Sexual Assault Nurse Examiner (SANE):** The primary role of the Sexual Assault Nurse Examiner is to provide specialized medical care as well as information and emotional support for all individuals over the age of thirteen years. In addition, the Sexual Assault Nurse Examiner is able to collect and preserve forensic evidence for the purposes of a criminal investigation and inquiry, if the victim/survivor requests this.

**Other Enforcement Agencies:** In addition to the general responsibilities of the agencies discussed above, there are other agencies whose concern is limited to specific areas and whose responsibilities and authority are defined elsewhere. These are:

- Library Staff, responsible for the enforcement of library rules.
- Dining Hall Staff, responsible for the enforcement of dining hall and cafeteria rules.
- Students' Union Staff, responsible for the enforcement of rules and policies pertaining to all Students' Union operations.
- Information Technology Services Staff, responsible for the enforcement of computer regulations and appropriate use.
- Event Staff and bartenders, responsible for the enforcement of rules at University events on University property.

## **APPENDIX C: ADJUDICATING BODIES**

### **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 Head of Student Services or designate.
- (b) The Discipline Committee is responsible to adjudicate all complaints involving breaches of discipline by students, other than serious complaints, referred to the Judicial Board 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 19 of the Code, other than suspension or expulsion.
- (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 Faculty members and two student members. One of the qualifying members shall sit as Chair, if the regular Chair is not present.
- (f) Any student charged with a complaint before the Discipline Committee shall be entitled, at the student's option, to be represented and assisted by a Student Advocate. A student charged shall have no right to legal counsel before the Discipline Committee or the Discipline Appeals Committee.



## 2. Discipline Appeals Committee

- (a) The Discipline 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 Discipline Appeals Committee shall hear all appeals from the informal decisions of a Student Conduct Officer or the Director of Student Life.
- (c) The Discipline Appeals Committee shall hear all appeals, whether from the student charged or the University, from the findings and/or outcomes of the Discipline Committee.
- (d) The Discipline Appeals Committee shall be limited to the same outcomes as the Discipline Committee.
- (e) The Discipline Appeals Committee shall hear an appeal based only on the evidence presented to the Discipline Committee, unless the Discipline Appeals Committee determines that special circumstances warrant the introduction of new evidence, in addition to the evidence already placed before the Discipline Committee.
- (f) The standard for appeal is unreasonableness. The Discipline 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 Discipline Appeals Committee shall not substitute its opinion for a reasonable opinion of the Discipline Committee.
- (g) The Chair of the Discipline Appeals Committee shall be appointed by the Head of Student Services and shall be a Faculty or staff member.
- (h) Except as otherwise noted, the procedural provisions with respect to the Discipline Committee shall apply in like manner to the Discipline Appeals Committee.
- (i) An appeal to the Discipline Appeals Committee shall be filed in writing with the Director of Student Life within ten (10) calendar days of the decision or the adjudication under appeal.

### **3. Judicial Board**

- (a) The Judicial Board shall consist of:
- the Head of Student Services, or designate, who shall be Chair;
  - a full time Faculty member elected by Senate for a term of three (3) years;
  - a staff member appointed by the President for a term of three (3) years;
  - a full time student appointed by the Director of Student Life, in consultation with the Students' Union, for a one year term, with eligibility for re-appointment.
- (b) The Judicial Board is responsible to adjudicate all serious complaints, as determined by the Director of Student Life. Without restricting the generality of the foregoing, all complaints:
- under the Sexual Violence Policy; or
  - that the Director of Student Life reasonably believes may lead to an outcome of suspension or expulsion; or
  - from which there has been a severe impact on individuals or the community.

shall be referred to and adjudicated by the Judicial Board.

- (c) The Judicial Board shall have authority to adjudicate all findings and to apply all sentencing outcomes listed in Section 18 of the Code.
- (d) a quorum for any sitting of the Judicial Board shall be three (3) members.

### **4. Judicial Appeals Board**

- (a) The Judicial Appeals Board shall consist of:
- The Academic Vice President and Provost, or designate;
  - The Students' Union Academic Vice President, or designate; and
  - The Dean of the Faculty, or designate, in which the appellant is enrolled.
- (b) The Judicial Appeals Board shall hear all appeals from the findings and/or outcomes of the Judicial Board.
- (c) The Judicial Appeals Board shall hear an appeal based only on the evidence presented to the Judicial Board, unless it determines that special circumstances warrant the introduction of new evidence, in addition to the evidence already placed before the Judicial Board.

- (d) The standard for appeal is unreasonableness. The Judicial Appeals Board shall only overturn or amend the findings and/or outcomes of the Judicial Board if it finds such adjudication to have been unreasonable in all of the circumstances. Otherwise, the Judicial Appeals Board shall not substitute its opinion for a reasonable opinion of the Judicial Board.
- (e) An appeal to the Judicial Appeals Board shall be filed in writing with the Director of Student Life within ten (10) calendar days of the adjudication of the Judicial Board.
- (f) Except as otherwise noted, the procedural provisions with respect to the Judicial Board shall apply in like manner to the Discipline Appeals Committee.
- (g) A quorum for any sitting of the Judicial Appeals Board shall be three members.

## **5. Senate Appeals Committee**

- (a) The Senate Appeals Committee shall consist of:
  - The Chair of the Senate;
  - No fewer than three (3) members appointed by the Chair of Senate;
  - A student appointed by the Chair of Senate, in consultation with the Students' Union.
- (b) The Senate Appeals Committee shall hear all appeals from a decision of either the Judicial Board or Judicial Appeals Board that resulted in University suspension or expulsion. An appellant may choose to appeal directly from the Judicial Board, or after an adjudication of the Judicial Appeals Committee.
- (c) The Senate Appeals Committee shall hear an appeal based only on the evidence presented to the Judicial Board, unless the Senate Appeals Committee determines that special circumstances warrant the introduction of new evidence, in addition to the evidence already placed before the Judicial Board.
- (d) The Senate Appeals Committee shall hear an appeal based only on the sentencing evidence presented to the Judicial Board and/or the Judicial Appeals Board.
- (e) The standard for appeal is unreasonableness. The Senate Appeals Committee shall only overturn or amend the sentencing outcome if it finds such adjudication to have been unreasonable in all of the circumstances. Otherwise, the Senate Appeals Committee shall not substitute its opinion for a reasonable opinion of the Judicial Board or the Judicial Appeals Board.
- (f) Any decision of the Senate Appeals Committee to vary or overturn an adjudication of the Judicial Board or Judicial Appeals Board shall be unanimous to take effect.

- (g) Except as otherwise noted, the procedural provisions with respect to the Judicial Board and/or the Judicial Appeal Board shall apply in like manner to the Senate Appeals Committee.
- (h) A quorum shall consist of not less than three (3) members.

**6. Other**

- (a) Except for special circumstances where the appellate adjudicative body allows new evidence, the role of the Discipline Appeals Committee, Judicial Appeals Board and/or the Senate Appeals Committee is to review the evidence already presented.
- (b) In the event there are insufficient members available to constitute a quorum for any adjudicative body, the appointing authority may appoint a temporary substitute.
- (c) No person shall be eligible to sit on an adjudicative body at the same time as that person is a member of any other adjudicative body described in the Code.
- (d) Any student charged with an offence before the Judicial Board, the Judicial Appeals Board, or the Senate Appeals Committee, shall be entitled, at the student's option, to be represented by legal counsel retained by the student, at the student's cost.

## **APPENDIX D: FORMAL ADJUDICATION PROCEDURE – DISCIPLINE COMMITTEE AND JUDICIAL BOARD**

### **Hearing Procedure**

The Discipline Committee and Judicial Board may be referred to as the adjudicative bodies in this procedure.

1. Hearings will be closed to the public.
2. The Chair will inform the adjudicative body of all the alleged Code offences they will be hearing, name the student involved and where the alleged incident may have occurred. At this point, and with this information, if any member of the adjudicative body has direct interest or prior involvement in the case under consideration, they shall make this known to the Chair and remove themselves from the proceedings.
3. When all members of the adjudicative body are convened, the Chair will ask the Student Life representative, the student charged, the Student Advocate or any authorized legal counsel to enter the room. At the request of the Student Life representative or at the direction of the Chair, the complainant may also be present.
4. The Chair will ask for a roll call of adjudicative body members present. The Chair will then:
  - a) If the adjudicative body has decided to record the hearing, remind the student the proceedings are being recorded and that the student may have access to the tape, in the case of an appeal, otherwise it will be kept by the Student Conduct Officer
  - b) Ask the student, the Student Advocate, or legal counsel for the student if they have any questions regarding procedure
  - c) Confirm the alleged Code violations with the student
  - d) Explain the process
  - e) Clarify the role of the parties and witnesses and ask witnesses to remain outside until called
5. The Chair will then introduce the case citing the student's name, and the alleged offenses under the Code.
6. The Chair asks the Director of Student Life or designate (including Student Life representative) to present the case against the student, including both witnesses and other forms of relevant evidence.
  - a) The Student Advocate, the Student, or the Student's legal counsel are given the opportunity to cross examine any witnesses on their evidence
  - b) Chair asks adjudicative body if they have any questions for the witnesses
  - c) The Chair makes sure the questions from all are relevant to the hearing and facts of the case
7. Chair asks the Student Advocate, the Student or the Student's legal counsel to present their case and any witnesses.
  - a) The Director of Student Life or designate is given the opportunity to cross examine any such witnesses on their evidence

- b) Chair asks the adjudicative body if they have any questions for the witnesses
  - c) The Chair makes sure all questions from all are relevant to the hearing and the facts of the case
- 8. The Chair then asks for closing comments from each side.
- 9. The adjudicative body then withdraws in private and considers the evidence and determines whether or not there was a violation(s) of the Code. The adjudicative body may reserve its decision.
- 10. If the adjudicative body finds the student responsible for violation of the Code, it will then hear representations from the parties or their representatives respecting outcomes. After hearing representations, the adjudicative body will consider same and render its decision on outcomes. It may reserve its decision.
- 11. The adjudicative body may communicate its decisions on finding and/or outcome at the hearing itself or by letter subsequently delivered to the Student and the Director of Student Life.

## **APPENDIX E: APPEALS PROCEDURE**

<b>Appeal Body</b>	<b>Hears cases adjudicated by:</b>
Discipline Appeal Committee	Student Conduct, Director of Student Life, Discipline Committee. Appeal to be filed within ten (10) calendar days of the decision of Student Life or the adjudication of the Discipline Committee.
Judicial Appeal Board	Judicial Board. Appeal to be filed within ten (10) calendar days of the decision of the Judicial Board.
Senate Appeals Committee	The Judicial Board or the Judicial Appeals Board where the outcome determined was University Suspension or Expulsion. Appeal to be filed within ten (10) calendar days of the adjudication being appealed. Note: Senate Appeals only consider the outcome and not the finding of responsibility.

An appeal from the Student Conduct Officer, Director Student Life, or Discipline Committee shall be heard by the Discipline Appeals Committee. Appeals from the Judicial Board shall be heard by the Judicial Appeal Board. In all cases involving University suspension or expulsion that is upheld by the Judicial Appeal Board, a further appeal may be made to the Senate Appeals Committee, within 10 calendar days of the first appeal. However a Senate Appeals Committee appeal will review the outcome only.

The Senate Appeals Committee may decide only whether or not to vary the suspension or expulsion outcome. Documentation regarding the original decision on the outcome may be obtained from the Director, Student Life. A unanimous vote of the Senate Appeals Committee members shall be required to vary the outcome. The Committee's chair will report its decision to the appellant, the Chair of the first appeal body, and to the Director of Student Life.

### Appeal Hearing Process (for all Appeal Bodies)

1. Hearings will be closed to the public. Participants in the hearing shall only include:
  - a. The appellant and their support person or authorized legal counsel at the appellant's request (refer to section 16 of the Code).
  - b. A Student Advocate at the appellant's request
  - c. The Chair of the adjudicating body in the original discipline hearing
  - d. Appeal Body members
  - e. Subject Matter Expert(s) at the Chair's request
2. Prior to the hearing, the Chair will circulate to the other members of the Appeal Body all the information relevant to the appeal.
3. If any member of the Appeal Body has direct interest or relevant prior involvement in the case under consideration, they shall make this known to the Chair and remove themselves from the proceedings.

4. The Chair will begin and then introduce the appeal by reading the appellant's notice of appeal.
5. The Appeal Body will not generally hear new evidence. See Appendix C of the Community Code of Conduct regarding special circumstances for new evidence. The Appeal Body will consider the record which was before the adjudicating body. The Chair may, on the application of either party, decide to hear new evidence if the same is relevant and was not reasonably available at the time of the original hearing, or such other grounds as appear in Appendix C.
6. The appellant will present submissions to the Appeal Body as to why the finding and/or the outcome should be overturned and/or varied. The other party will then make its submissions. The Appeal Body members may ask questions of the persons presenting the case.
7. The Appeal Body may adjourn in private session for deliberation. The Appeal Body may reserve and shall in due course issue its written decision.
8. In the case of a Student or a University appeal, the decisions of the Appeal Body, with the exception of the Senate Appeals Committee, may include:
  - i. The finding of responsible is confirmed
  - ii. The finding of responsible is overturned
  - iii. The outcome is confirmed
  - iv. The outcome is varied

9. In the case of the Senate Appeals Committee the decisions may only confirm or vary suspension or expulsion outcomes, including with authority to impose other outcomes listed in the Community Code of Conduct, Section 19.

#### Post Hearing

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

*Senate approved on May 15, 2018.*