

Community Code of Conduct

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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 during the period of their registration and subsequent admittance in 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. All students, and student groups, are expected to self discipline and maintain a high standard of conduct based on the "Statement of Student Fundamental Rights and Responsibilities" as defined within this code. The Community Code defines the non-academic judicial system that underlies the fundamental rules and regulations for living within the StFX community.

By action of the Board of Governors of St. Francis Xavier University, the Senate is ultimately responsible for governing the activities of students and sets standards of behaviour in order to promote and sustain an environment of mutual respect for the rights, responsibilities, dignity, and well-being of others and the community at large. The Senate makes provision for student discipline with respect to conduct that jeopardizes the good order and proper functioning of the programs and activities of the University that endangers the health, safety, and rights of its members and visitors, or that adversely affects the property of the University. The Senate has delegated to the Dean of Students the day-to-day responsibilities for University discipline on non-academic matters. The Dean of Students asks Senate to ratify the Code as it is revised.

The primary objective of the Code is to be re-educative and not to be overly punitive and to be a guideline for appropriate behaviour in a highly diversified educational environment. Sanctions will be educative and developmental where possible and punitive when necessary. The primary intent is for students to self-discipline and the Code is used to support that perspective. The conduct articles 1 to 33, described under Discipline, constitute misconduct under this code.

The Dean of Students receives comments and advice from the University Discipline Committee, the University Appeals Committee, and the Advisory Committee to the Dean of Students on the Community Code, regarding the formulation and implementation of the Community Code. In this manner students have a voice in the creation of the rules of conduct.

Statement of Student Rights and Responsibilities

Fundamental Rights and Freedoms

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 Canadian and Nova Scotian human rights law and University policy, students shall not be discriminated against on the basis of age, race, colour, religion, creed, sex, gender, sexual orientation, physical or mental disability, 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 his or her dignity and has the right to be protected by the University against the harmful conduct of other members of the University community.
5. Every student has the right to be free of sexual harassment and harassment on the basis of any of the prohibited grounds listed in item 3 above.

Responsibilities

1. Students will be prepared to engage seriously in the pursuit of learning within an ordered academic institutional environment.
2. The University expects that an individual's personal integrity and self-respect will be reflected not only in honest, responsible behavior, but also in a willingness to extend support and direction to others whose behavior appears harmful to herself/himself or the community. The University expects that students will not indulge in behavior 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, Nova Scotia, Antigonish, and the rules and policies of the University.

Discipline

Part I Discipline Code SECTION I General Provisions

1. The Discipline Code is set forth below in Section II and it lists a series of articles under which a student may be charged. It also lists minimum and maximum sanctions that may be applied. It must be emphasized that the Discipline Code in no way frees students from the responsibilities of the Criminal Code and other laws.

The University's internal disciplinary proceedings can proceed contemporaneously with criminal proceedings relating to the same incident.

2. The Dean of Students may report cases involving serious offences (e.g., trafficking in illegal drugs, sexual assault, assault causing bodily harm, false fire alarms, and significant property damage) to the R.C.M.P. or other appropriate authorities. The University campus is not a sanctuary from the laws of the land.

The University supports the Statement of Our Commitment, put forth by the Antigonish Sexual Assault Project, June 1995. "We are committed to enabling all members of our community to live lives free of sexual violence and to supporting survivors of sexual assault and childhood sexual abuse in their healing."

The University does not countenance any forms of violence. Physical or sexual violence or the threat thereof will be investigated and, if warranted, charges will be laid. The University strives to keep a safe environment for all students and staff.

3. The University Policy on Drugs on Campus. The St. Francis Xavier University Community does not countenance the use, possession and/or sale of illegal drugs on the StFX campus. All properties and grounds owned or leased by the University are covered by this policy. Any form of violation of this policy that is seen to contravene the Community Code will be investigated and, if warranted, charges will be laid.
4. The application of sanctions should reflect the gravity of the incident, the experience of the victim(s), and serve as a deterrent to the offender and others. The safety and security of the St. Francis Xavier University community will also be given consideration during this process.

5. This Community Code empowers the Dean of Students, Discipline Committee and Appeals Committee and others referenced herein to examine and judge all matters of student conduct referred to them by any member of the University community. The Community Code does not deal with cases of academic misconduct. A student will come under the jurisdiction of this Community Code once he or she is admitted to the University. It is understood that this may include the period just prior to registration and the period between the fall and winter semesters as well as during a semester of study. If, prior to the initiation or completion of any proceedings under this Code, the student is graduated or has otherwise left the University, disciplinary review may continue if the student registers again or if the alleged offence, if proven, would impugn the validity of the degree conferred.

For adjudication under this Code, the alleged violation will normally have taken place on University premises, either rented or owned, or elsewhere in the course of a University sponsored or University related activity or event. The notion of the University community and the association of a student or students with the University is not necessarily restricted to the campus proper. The jurisdiction of this Community Code may include the larger community including the Town of Antigonish, the County of Antigonish and other locations where the reputation and legitimate interests of the University may be seen to be negatively affected by the conduct of the student or students concerned.

SECTION II Table of Offences and Sanctions

The following Articles and Policies comprise the Discipline Code and a student charged must be charged under one or more of these articles or policies:

1 Article ONE

Every student who willingly misleads, misdirects, deceives, lies to a Residence Assistant, Residence Life Coordinator or Residence Office Staff, Campus Police, Security, Students' Union Official, University Official, Discipline Committee, Appeals Committee, or Dean of Students in the normal course of his or her duty is guilty of an offence and shall, upon conviction,

- a) be subject to such sanctions as are provided for under Part III, Section III, para. 4, except that the minimum punishment is to be a fine of not less than \$100.00.

2 Article TWO

Every student who refuses to produce identification upon request by a properly identified Campus Police Officer, Security Officer, University Official, Residence Assistant, Residence Life Coordinator, Residence Office Staff, Students' Union Official or personnel of Bloomfield Centre in the normal course of his or her duty is guilty of an offence and shall, upon conviction,

- a) be subject to loss of student privileges for a period of not less than one month; or
- b) to such other sanctions as are provided for under Part III, Section III, para. 4.

3 Article THREE

Every student who obtains or conspires to obtain a false identification card, or who produces false identification, or false entrance ticket or stamp, or who provides or conspires to provide a false identification card or false identification or false entrance ticket or stamp, is guilty of an offence and shall, upon conviction,

- a) be subject to such sanctions as are provided for under Part III, Section III, para. 4, except that the minimum punishment shall be a fine of not less than \$50.00.

4 Article FOUR

Every student who in the course of his or her interactions with another student, Campus Police Officer, Security Officer, University Official, Residence Assistant, Residence Life Coordinator, Residence Office Staff, Students' Union Official or personnel of Bloomfield Centre, member of the Discipline or Appeals Committee, University employee or contract employee uses abusive, obscene, homophobic, sexist, racist or otherwise derogatory language, in either verbal or written form, or gestures is guilty of an offence and shall, upon conviction,

- a) be subject to such sanctions as are provided for under Part III, Section III, para 4, except that the minimum punishment shall be a fine of not less than \$100.00 and community service.

5 Article FIVE

Every student who interferes with any individual on campus in the performance of the latter's duties is guilty of an offence and, upon conviction,

- a) shall be liable to a fine of not less than \$50.00 except that
- b) where the individual interfered with is a Campus Police Officer, Residence Assistant, Residence Life Coordinator, Residence Office Staff, Security Officer, University or Students' Union Officer engaged in his or her official duties, the fine shall be not less than \$100.00.

6 Article SIX

Every student who threatens or harasses, on or off campus, a Campus Police Officer, Security Officer, University Official, Residence Assistant, Residence Life Coordinator, Residence Office Staff, Students' Union Official or personnel of Bloomfield Centre, Member of the Discipline or Appeals Committees, University employee, or contract employee while performing his or her duty or as a result of performing his or her duty is guilty of an offence and shall, upon conviction,

- a) be subject to such sanctions as are provided for under Part III, Section III, para. 4, except that the minimum punishment shall be a fine of not less than \$100.00 and community service.

7 Article SEVEN

Every student who physically assaults, strikes, grabs, pushes or threatens with a weapon a Campus Police Officer, Security Officer, University Official, Residence Assistant, Residence Life Coordinator, Residence Office Staff, Students' Union Official or personnel of Bloomfield Centre, University employee or contract employee performing his or her duty is guilty of an offence and, upon conviction,

- a) shall be liable to suspension or expulsion from University; or
- b) such other sanctions as are provided for under Part III, Section III, para. 4, except that the minimum punishment shall be a fine of not less than \$100.00 and community service.

8 Article EIGHT

Every student who sexually assaults or threatens sexual assault on any person on the University campus, or on any other member of the University community off campus, is guilty of an offence, and upon conviction,

- a) shall be liable to suspension or expulsion from University; or
- b) shall be liable to suspension or expulsion from residence or banned from all residences; or
- c) to such other sanctions as one provided for under Part III, Section III, para. 4.

9 Article NINE

Every student who engages in or encourages any form of assault, violence, harassment or makes threats thereof on Campus, or against any member of the University Community off campus, is guilty of an offence and, upon conviction,

- a) shall be liable to suspension or expulsion from the University; or
- b) to such other sanctions as are provided for under Part III, Section III, para. 4.

10 Article TEN

Every student who litters on the University property or in University buildings, is guilty of an offence and, upon conviction,

- a) shall be issued a minimum first offence fine of \$25.00 and a minimum second offence fine of \$50.00 or
- b) shall be liable to such other sanctions as are provided under Part III, Section III, para. 4.

11 Article ELEVEN

Every student who engages in, or encourages the destruction, damage or defacing of University property or the property of another member of the University community, is guilty of an offence and, upon conviction,

- a) shall be liable to suspension or expulsion from University; or
- b) such other sanctions as are provided for under Part III, Section III, para. 4, except that the minimum punishment shall be a fine of not less than \$50.00 in addition to making restitution.

12 Article TWELVE

Every student who steals, attempts to steal or encourages theft from the University or member of the University community, is guilty of an offence and, upon conviction,

- a) shall be liable for suspension or expulsion from university; or
- b) such other sanctions as provided for under Part III, Section III, para. 4, except that the minimum punishment shall be a fine of not less than \$50.00, in addition to making restitution.

13 Article THIRTEEN

Every student who sets off a false fire alarm and/or discharges a fire extinguisher and/or tampers with fire alarm systems such as heat detectors, fire alarm bells and smoke detectors is guilty of an offence and, upon conviction,

- a) in the case of an off-campus student, shall be banned from all Students' Union events for thirteen (13) weeks, and subject to a fine of up to \$500.00.
- b) in the case of a resident student, may be expelled from residence and subject to a fine of up to \$500.00.

14 Article FOURTEEN

Every student who does not leave a building where a fire alarm has been sounded, or who does not obey directions from officials investigating a fire alarm, is guilty of an offence and upon conviction,

- a) shall be subject to such sanctions as are provided for in Part III, Section III, para. 4, except that the minimum punishment shall be a fine of not less than \$50.00.

15 Article FIFTEEN

Every student who publishes, distributes or displays libelous material or expresses slanderous statements is guilty of an offence and, upon conviction,

- a) shall be liable to suspension or expulsion from the University; or
- b) to such other sanctions as are provided for under Part III, Section III, para. 4.

16 **Article SIXTEEN**

Every student who uses or occupies any part of the University property without lawful authority (expressed or implied) is guilty of an offence and, upon conviction,

- a) shall be liable to suspension or expulsion from the University; or
- b) to such other sanctions as are provided for under Part III, Section III, para. 4.

17 **Article SEVENTEEN**

Every student who enters premises on University property to which he or she is forbidden free access, is guilty of an offence and, upon conviction,

- a) shall be liable to suspension or expulsion from the University; or
- b) to such other sanctions as are provided for under Part III, Section III, para. 4.

18 **Article EIGHTEEN**

Every student who throws, kicks or otherwise intentionally breaks or attempts to break bottles or any other form of glass, is guilty of an offence and, upon conviction,

- a) shall be subject to a fine of not less than \$100.00
- b) if this offence takes place in the Golden X Inn or at other Students' Union sponsored events, the student will be subject to a thirteen week ban from that location and/or all Students' Union activities
- c) shall be subject to such other sanctions as are provided for under Part III, Section III, para. 4.

19 **Article NINETEEN**

Every student who is in the possession of a beer bottle on campus, except in designated or licensed areas, is guilty of an offence and, upon conviction,

- a) shall be subject to such sanctions as are provided for under Part III, Section III, para. 4.

20 Article TWENTY

Every student who is in possession of open liquor on campus, except in designated licensed areas and residence rooms, is guilty of an offence and, upon conviction,

- a) shall be subject to such sanctions as are provided for under Part III, Section III, para. 4, except that the minimum punishment is to be a fine of not less than \$50.00

21 Article TWENTY-ONE

Every student found responsible for violating the University Policy on Drugs is guilty of an offence and, upon conviction,

- a) shall be suspended or expelled from residence; or
- b) be subject to such sanctions as are provided for under Part III, Section III, para. 4

22 Article TWENTY-TWO

Every student that organizes, encourages, or participates in unapproved orientation or initiation/ hazing activities on or off campus is guilty of an offence and upon conviction,

- a) shall be liable to suspension or expulsion from the University; or
- b) to such other sanctions as are provided for under Part III, Section III, para. 4.

23 Article TWENTY-THREE

Every student found in possession of any weapon whatsoever on campus is guilty of an offence and, upon conviction,

- a) shall be liable to suspension or expulsion from the University; or
- b) to such other sanctions as are provided for under Part III, Section III, para. 4

24 Article TWENTY-FOUR

Every student who disrupts or interferes with hearings before the Discipline or Appeals Committee, or persons with summary powers, is guilty of an offence and upon conviction,

- a) shall be liable to suspension or expulsion from the University; or
- b) to such other sanctions as are provided for under Part III, Section III, para. 4.

25 Article TWENTY-FIVE

Every student who, ignores or refuses to comply with any sanction laid down by the persons with summary powers or Discipline or Appeals Committees is guilty of an offence and upon conviction,

- a) shall be liable to suspension or expulsion from the University; or
- b) to such other sanctions as are provided for under Part III, Section III, para. 4.

26 Article TWENTY-SIX

Every student who acts in a manner that would endanger the health and/or safety of any member of the University community is guilty of an offence and, upon conviction,

- a) shall be liable to sanctions provided for under Part III, Section III, para. 4, except that the minimum punishment is to be a fine of not less than \$100.00

27 Article TWENTY-SEVEN

Every student who causes a disturbance on campus, is guilty of an offence and, upon conviction,

- a) shall be liable to sanctions provided for under Part III, Section III, para. 4.

28 Article TWENTY-EIGHT

Every student who is drunk and disorderly is guilty of an offence and, upon conviction,

- a) shall be subject to a fine of not less than \$50.00; or
- b) to such other sanctions provided for under Part III, Section III, para. 4.

29 Article TWENTY-NINE

Every student who acts in a manner significantly disruptive of the good order of the University community is guilty of an offence and, upon conviction,

- a) shall be liable to suspension or expulsion from the University; or
- b) to such other sanctions as are provided for under Part III, Section III, para. 4.

30 Article THIRTY

Every student who is under the legal drinking age in the province of Nova Scotia is not to consume alcohol. Every student found consuming alcohol, found to have consumed alcohol, or found with alcohol, in his or her possession, is guilty of an offence and upon first conviction,

- a) shall be liable to a minimum fine of \$100.00 and/or
- b) be required to complete the alcohol education program
- c) and/or such other sanctions that are provided for under Part III, Section III, para. 4

For subsequent offences the sanction shall be,

- a) a minimum fine of \$100.00 and/or
- b) such other sanctions that are provided for under Part III, Section III, para. 4

31 Article THIRTY-ONE

Every student who provides alcohol to persons that are under the legal drinking age in the province of Nova Scotia is guilty of an offence and, upon conviction,

- a) shall be liable to a fine of \$200.00 and
- b) be required to complete the alcohol education program
- c) and/or such other sanctions that are provided for under Part III, Section III, para. 4

32 Article THIRTY-TWO

Every student who purposely makes a false 911 call from University property, is guilty of an offence and upon conviction,

- a) in the case of an off-campus student, shall be banned from all Students' Union events for thirteen (13) weeks, and subject to a fine of at least \$500.00.
- b) in the case of a resident student, shall be expelled from residence and subject to a fine of at least \$500.00.

33 Article THIRTY-THREE

Every student found responsible for violating the University Policy on Smoking is guilty of an offence and shall, upon conviction,

- a) be subject to such sanctions as are provided for under Part III, Section III, para. 4, except that the minimum punishment shall be a fine of \$25.00.

Part II Disciplinary Structure

SECTION I Delegation of Powers

1. Pursuant to powers granted under the Act of Incorporation, St. Francis Xavier University, Antigonish, Nova Scotia, the Board of Governors, under the by-laws assigns to the University Senate “ultimate responsibility for student discipline.”
2. Under the University by-laws, the Dean of Students is charged with responsibility for the formulation, promulgation and implementation of regulations for the provision of good order in the University community. In practice, the Senate has delegated to the Dean of Students day-to-day responsibility for the overall operation and effectiveness of the disciplinary structure. The Dean of Students reports to Senate through the Vice President, Student Services.
3. Responsibility for judicial functions in disciplinary matters is assigned to a Discipline Committee and an Appeals Committee established under the provisions of the by-laws of the University.

SECTION II Discipline Committee

1. Composition.

The Discipline Committee is composed of

- a) Seven students appointed by the Students' Union for a one-year term, eligible for reappointment. Of these, the Committee will elect one to act as Advocate for the Code, who will as such be a non-voting member of the Committee. Should another member of the Committee be designated as Advocate for the Student Charged, that person will be ineligible to vote while acting in this role.
- b) Two faculty members elected by the University faculty for three-year terms. No faculty member may serve more than two full terms consecutively.
- c) A Chair and Vice-Chair are elected from among student members.

2. Eligibility.

Any full-time student or full-time faculty member is eligible to serve on the Discipline Committee provided that he or she

- a) is not the Dean of Students;
- b) is not a member of the Board of Governors, Students' Union Executive, Campus Police, Residence Staff or Appeals Committee.

3. Quorum.

A quorum for any sitting of the Discipline Committee shall consist of three student members and one faculty member, exclusive of Advocates. One of the student members must be either the Chair or the Vice-Chair.

4. Terms of Reference.

The Discipline Committee is to

- a) hear evidence, make findings and apply sanctions where appropriate in charges against any student(s) involving a breach of the Rules of Conduct as specified in Part I.
- b) meet jointly with the Appeals Committee and the Dean of Students at least once each year to review the discipline system, and, where deemed appropriate, recommend changes therein.

SECTION III The Appeals Committee

1. Composition.

The Appeals Committee is composed of

- a) three students appointed by the Students' Union for a one-year term but eligible for reappointment.
- b) three faculty members elected by the University faculty for three-year terms. No faculty member shall serve more than two complete terms consecutively.
- c) the Vice President of Student Services as chair; the Vice President may delegate this function to another member of the Department of Student Services.

2. Eligibility.

Any full-time student or full-time faculty member is eligible to serve on the Appeals Committee provided that he or she

- a) is not the Dean of Students.
- b) is not a member of the Board of Governors, Students' Union Executive, Campus Police, Residence Life Management Staff or Discipline Committee.

3. Quorum.

A quorum for any sitting of the Appeals Committee shall consist of four members. At least two of the four must be student members and at least two must be faculty members.

4. Terms of Reference.

The Appeals Committee

- a) will hear appeals submitted to it in accordance with the procedures specified in Part III, Section III, para. 4, and may either allow or dismiss the appeal, confirm or vary the sanction previously applied, or initiate an appropriate sanction if none had been applied; and
- b) will meet jointly with the Discipline Committee and the Dean of Students at least once a year to review the discipline system and, where deemed appropriate, recommend changes therein.

PART III Operating Procedures
SECTION I Legislative Procedures

Rules of Conduct. Rules of Conduct are taken to include the articles of the Discipline Code Part I as well as other policies and regulations intended for the maintenance of order on University property, e.g., policy on drugs on campus, dining hall regulations, residence regulations (Residence Life Handbook), including the Alcohol Policy of Residences and Dining Halls, Library, Computing, Oland Center, Bloomfield Center, and regulations concerning the use of any other University facilities, as identified in this Community Code. Rules relating specifically and exclusively to academic performance are covered elsewhere and not included in the meaning of 'Rules of Conduct' as used here.

SECTION II Enforcement Procedures

1. General Comments.

Students, faculty and staff of the University are subject to the civil and criminal laws of the land on campus no less than off. In addition, the University community is regulated by its own Community Code, which specifies certain rights and responsibilities of its members. The enforcement agencies operating on campus are:

- a) the R.C.M.P.
- b) the University Security Department.
- c) the Campus Police.
- d) other enforcement agencies.

2. R.C.M.P.

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

3. The University Security Department.

Under the Coordinator, Security Department, reporting to the Dean of Students, is responsible for the security of plant and equipment, for fire patrols, for parking and traffic control, and for such like duties as may be assigned. Although they are not primarily responsible for enforcing the Rules of Conduct that do not affect University property, when they observe breaches of these Rules they are expected to report the same to the Campus Police, Residence Life Management Staff, or other appropriate authority. Also, Security Department members may be called to assist Campus Police or Residence Staff in enforcing the Rules of Conduct.

4. Campus Police.

The Campus Police Force is an all-student organization charged with maintaining order at student-sponsored social and athletic events. Campus Police also serve the University by patrolling the campus, including residences, during periods of increased social activity. They have authority to enforce the Rules of Conduct. The Campus Police Force, through its Chief, reports to the Campus Police Commission and works closely with the Dean of Students.

5. 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:

- a)** Residence Life Management Staff, responsible for the enforcement of the rules within and around residence and dining halls.
- b)** Library Staff, responsible for the enforcement of library rules.
- c)** Dining Hall Staff, responsible for the enforcement of Dining Hall and Cafeteria rules.
- d)** Bloomfield Centre Staff, responsible for the enforcement of the Bloomfield Centre and Golden X Inn rules.
- e)** Technology Support Group Staff, responsible for the enforcement of Computer Regulations.
- f)** Event Staff, responsible for the enforcement of rules at University events on University property.

SECTION III Sanctions and Judicial Procedures

Finding of innocence or guilt under The Rules of Conduct is decided on the basis of balance of probabilities or preponderance of evidence, not on the basis of beyond reasonable doubt. This practice is based on civil law, not criminal law.

1. Summary Powers – Dean of Students.

The Dean of Students is authorized to:

- a) levy fines not exceeding \$500.00.
- b) apply disciplinary probation, loss of student privileges and residence probation for up to one calendar year.
- c) apply communication bans.
- d) apply residence strikes .
- e) levy sanctions on residences or sections of residences; in the case where the sanction is a fine, where those to be fined acted as a group, such fines should not exceed \$25.00 per group member.
- f) use community service as a sanction where the service required would not be considered more onerous than the maximum fine allowed under summary powers.
- g) refer students to Peer Mediation, Anger Management, Alternate Dispute Resolution or an Alcohol Education Program.
- h) prior to a finding of guilt, the Dean of Students in consultation with the Vice President Student Services and Academic Vice President & Provost may temporarily suspend or limit campus access of a student charged with a serious violation or a series of violations of the Rules of Conduct where the Dean of Students considers the suspension or limited access to be in the best interest of and welfare of other students or the campus community. The Dean of Students, in consultation with the Vice President Student Services and Academic Vice President & Provost may implement this sanction without delay. This suspension is a temporary measure until the charges can be dealt with in accordance with the Community Code.
- i) prior to a finding of guilt, the Dean of Students in consultation with the Residence Life Manager may suspend a student from residence for a serious violation or a series of violations of the Rules of Conduct and where the Dean of Students considers the suspension to be in the best interest of and welfare of other students in the residence. The Dean of Students, in consultation with the Residence Life Manager, may implement this sanction without delay. This

suspension is a temporary measure until the charges can be dealt with in accordance with this Community Code and the resulting residence vacancy is not to be filled until it is clear that no appeal is to be made or that any appeal that has been made is unsuccessful.

Summary decisions of the Dean of Students may be appealed in the prescribed manner to the Appeals Committee. The Dean of Students will advise any student receiving a summary penalty of the right of appeal and the manner of initiating an appeal. The summary sanction imposed by the Dean of Students, including a suspension, shall continue until confirmed, varied or rescinded by the Appeals Committee.

If the Dean of Students receives a complaint of harassment and upon investigation believes it to be reasonable, the Dean of Students may apply a ban of communication on the student who has allegedly harassed. The case may, in addition, then be dealt with under summary powers of the Dean of Students, referred to the Discipline Committee or, referred to the Sexual Harassment Policy through the University Coordinator of Equity and Community Issues. If the communication ban is not adhered to, the student will be liable to sanctions under Article Twenty-five.

2. Summary Powers - Residence Life Manager

The Residence Life Manager is authorized to:

- a)** levy fines not exceeding \$500.00 against students guilty of violating the Rules of Conduct that apply within residences, dining halls or their immediate surroundings. The Manager may apply sanctions other than fines that would not be considered more onerous than the maximum fine allowable.
- b)** ban a visitor from visiting a residence floor, house or hall. A visitor is defined as a non-resident of that particular floor, house or hall.
- c)** apply residence strikes.
- d)** consult with the Dean of Students, place students on residence probation, suspend or expel any student from residence or cancel the food contract of any student found guilty of a serious breach of the Residence Regulations, Dining Hall or Bloomfield Cafeteria regulations or any serious breach of the Rules of Conduct, and where the Manager considers the suspension or expulsion to be in the best interest of other students in the residence.
- e)** make decisions respecting offences and the application of sanctions are to be reported weekly to the Dean of Students. Such decisions may be appealed to the Appeals Committee in the prescribed manner. The Residence Life Manager is to advise any student penalized by such a decision of the right to appeal and the manner of initiating an appeal.

3. Summary Powers – Residence Life Co-ordinators (R.L.C.)

- a) R.L.C.'s are authorized to levy fines not exceeding \$200.00 against students violating Rules of Conduct that apply within residences, dining halls, or their immediate surroundings. R.L.C.'s may apply sanctions other than fines that would not be considered more onerous than the maximum fine allowable.
- b) R.L.C.'s are authorized to ban a visitor up to eight (8) months, from visiting a residence floor, house or hall. A visitor is defined as a non-resident of that particular floor, house or hall.
- c) R.L.C.'s may place students on residence probation after they have received three strikes during the academic year. They may recommend to the Dean of Students or the Residence Life Manager that a student be placed on residence probation after one serious breach of Residence Life Community Standards or any other Rules of Conduct.
- d) All sanctions levied by the R.L.C.'s are to be communicated weekly in writing to the Residence Life Manager and the Dean of Students. More serious breaches of the Community Code are to be referred to the Residence Life Manager and/or the Dean of Students for investigation and disposition.
- e) Appeals of R.L.C.'s decisions are to be made to the Appeals Committee in the prescribed manner. The R.L.C.'s are to advise students penalized by their decision of the right to appeal and the manner of initiating the appeal.

4. Summary Powers – Judicial Affairs Officer

The Judicial Affairs Officer is authorized to:

- a) apply disciplinary probation, loss of student privileges and residence probation for up to one calendar year
- b) levy fines not exceeding \$500.00 against students guilty of violating the Rules of Conduct that apply within residences, dining halls or their immediate surroundings. The Officer may apply sanctions other than fines that would not be considered more onerous than the maximum fine allowable
- c) ban a visitor from visiting a residence floor, house or hall. A visitor is defined as a non-resident of that particular floor, house or hall
- d) apply residence strikes
- e) apply communication bans

- f) levy sanctions on residences or sections of residences; in the case where the sanction is a fine, where those to be fined acted as a group, such fines should not exceed \$25.00 per group member
- g) use community service as a sanction where the service required would not be considered more onerous than the maximum fine allowed under summary powers.
- h) refer students to Peer Mediation, Anger Management, Alternate Dispute Resolution or an Alcohol Education Program
- i) consult with the Dean of Students, place students on residence probation, suspend or expel any student from residence or cancel the food contract of any student found guilty of a serious breach of the Residence Regulations, or Morrison Dining Hall regulations or any serious breach of the Rules of Conduct, and where the Officer considers the suspension or expulsion to be in the best interest of other students in the residence
- j) make decisions respecting offences and the application of sanctions and report weekly to the Dean of Students. Such decisions may be appealed to the Appeals Committee in the prescribed manner. The Judicial Affairs Officer is to advise any student penalized by such a decision of the right to appeal and the manner of initiating an appeal

5. Sanctions.

The Discipline Committee, Appeals Committee, and, within the limits described under Section III subsections 1-3 of this Part, those authorized to use summary powers, may apply the following sanctions to a student found guilty of a breach of the Rules of Conduct.

- a) **Loss of Student Privileges.** This sanction must be applied for a specified period of time 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 (e.g., exclusion from the Golden X Inn) but failing such specification it will be understood to include all social privileges.
- b) **Disciplinary Probation.** This includes loss of student privileges as in a) above and also the posting of a behaviour bond of not less than \$50.00, which would automatically be forfeited upon conviction for another offence.
- c) **Communication Ban.** The ban would prohibit the student from communicating, in any form, directly or indirectly, with the student(s) named in the letter that outlines the ban.

- d)** Fine. Fines should be a minimum of \$25.00. There is no upper limit except as specified in Part I, although it may be presumed that an offence serious enough to warrant a heavy fine would lead a committee to consider suspension or dismissal as a sanction. Fines may be substituted by community service, at a rate of \$8.00/hr. This substitution is at the discretion of the Discipline or Appeals Committee or those authorized with summary powers.
- e)** Alcohol Education, Educational Activities, Alternate Dispute Resolution and/or Anger Management. The student may be directed to participate in the aforementioned in lieu of or in addition to other sanctions.
- f)** Community Service. The student may be directed to participate in an activity judged beneficial to the University community or the community at large, either for a specified time period or to the achievement of a specified objective as an alternative sanction. The Dean of Students (or the person who sanctioned) will determine if the activity is appropriate.
- g)** Residence Probation. A student living in residence may be placed on residence probation after a breach or a series of breaches of the Rules of Conduct. If the student breaches the Rules of Conduct while on probation, they may be suspended or expelled from residence (see h) or i).
- h)** Suspension from Residence. This means that a student is removed from residence for the length of his or her current contract. The student remains responsible for residence and food service fees. (see Residence and Food Service Contract) The student will also be banned from that residence hall at least until the end of the current term, or for a period of time determined at the time of sanction.
- i)** Expulsion from Residence. This means that a student is removed from residence and is declared ineligible to apply for residence for at least a full year after the date of expulsion. The student remains responsible for residence and food service fees. (see Residence and Food Service Contract) His or her application is to be considered only if there is evidence of a change in the attitudes and behaviour which led to the expulsion. The student will also be banned from that residence hall at least until the end of the current term, or for a period of time determined at the time of sanction. A student is not allowed to reapply for residence for an indefinite period.
- j)** Disciplinary Suspension. The offender ceases to be a student at StFX University for a specified period of time, not less than the remainder of the academic year.
- k)** Disciplinary Expulsion. The offender ceases to be a student at StFX University.

- l) Alcohol Probation. Alcohol probation forbids the offender from consuming alcohol on campus and also forbids the offender from being under the influence of alcohol on campus for the term of the probation.
- m) Residence strikes.

6. Discipline Committee: Referral.

Less serious infractions of the Rules of Conduct are normally dealt with under summary powers specified in subsections 1-3 above. Although it is difficult to define precisely what is less serious as distinct from more serious in this context, some examples of which might normally be considered less serious infractions are: breaking glass/bottle in a residence, failing to heed a warning to lower the volume on one's stereo, misuse of a meal card, illicit entry to a social function, non-violent disruptive behaviour at social or athletic activities, and other similar offences. Since circumstances can change the gravity of an offence, these examples should not be understood too rigidly. Cases of breach of the Rules of Conduct may be referred to the Discipline Committee if the student charged requests a referral prior to a finding of guilt or innocence and in the judgment of the Dean of Students, there is good reason for the referral.

7. Discipline Committee Procedures.

The following procedures are to be applied in processing a case through the Discipline Committee.

7.1. Pre-Hearing

- a) The individual or agency reporting a violation of the Rules of Conduct is to provide all relevant information to the Dean of Students and the Advocate for the Code.
- b) The Dean of Students and the Advocate for the Code are to determine what charges are to be laid and to prepare the charge sheets.
- c) The Dean of Students is to give the student charged and the Student's Advocate the charge sheets specifying the charges laid, a brief summary of the particulars and a list of witnesses to be called in support of the charges.
- d) The Dean of Students and the Chair of the Discipline Committee are to take reasonable steps to secure any witnesses the student charged wishes to call; however, no one can be compelled to testify.
- e) The Chair of the Discipline Committee is to arrange for the Committee meetings and inform all concerned of the time, place and purpose of the hearing.

- f) The Advocate for the Code has the right to a minimum of seven class days to prepare for the hearing, counted from the day the charge is laid, but may waive this right. The student charged has the same right.
- g) A member of the Committee may ask to be excused from sitting on a particular case because of conflict of interest, relationship to the student charged, or some such reasonable cause. Similarly, the Chair may recommend that a member withdraw from a case for reasonable cause. In the case where the member and the Chair disagree, the Committee shall decide.
- h) The Chair of the Discipline Committee should acquaint him or herself with the sanctions that have been applied in the past for offences similar to the one being dealt with. Information on this would normally be available from the Dean of Students.
- i) Upon application of the student charged, the Discipline Committee may, in appropriate serious cases, allow the student charged to select an advocate from outside the University community. If such relief is granted to the student charged, the Discipline Committee may also allow the Advocate for the Code to be selected from outside the University community.

7.2. Hearing

- a) Hearings will be closed to the public. The Committee may decide, on its own or at an Advocate's request, that witnesses be excluded from the hearing except while giving testimony.
- b) The Chair will circulate to the Committee members the documentation relevant to the case provided that the documentation has already been disclosed to the student charged.
- c) The Chair of the Committee will identify the student charged, read the charges and ask the student how he or she wishes to plead.
- d) If a 'guilty' plea is entered, the Chair is to give the student charged an opportunity to make a written or verbal statement of mitigation, prior to the decision of sanction(s). The statement may be supported by written statements from other individuals. The Advocate for the Code will invite the victim to make a written and/or oral statement. This statement may be supported by written statements from other individuals. The Committee will meet in camera to determine the sanction(s). A written statement of the decision will be prepared by the Chair and a copy provided to the Dean of Students and to the student charged.
- e) If a 'not guilty' plea is entered, the witnesses will be called, first by the Advocate for the Code and thereafter by the Advocate for the Student

Charged. A witness will be questioned first by the Advocate calling him or her; questioning by the other Advocate and by members of the Committee, may then proceed. With the approval of the Chair, witnesses who are complainants/victims may bring a support person, of their choice from on or off campus. When all testimony is complete, the Committee will meet in camera to determine its findings. If there is a finding of guilt, the Committee will invite the victim to make a written and/or oral statement, and will hear from the Advocates and consider the student's discipline record, if any, before meeting in camera to determine the sanction. A written statement of the decision will be filed by the Chair and a copy given to the Dean of Students and to the student charged.

- f)** The Discipline Committee may decide (1) the manner of proceeding in the case if this is not already specified; (2) the finding in the case; (3) the sanction to be applied. Decisions on previously unspecified procedures will be made by the Chair, with or without consultation, but may be challenged by any member of the Committee, in which case a decision will require a simple majority of the members present, including the Chair. A finding of guilty requires the support of at least all but one of the voting members present, including the Chair, as does the sanction to be applied. A Committee member when acting as Advocate for the Code or for the student charged is not eligible to vote.
- g)** The Committee may adjourn a hearing in order to allow new evidence to be brought forth or for any other reason which it deems necessary.
- h)** The Chair of the Discipline Committee is to provide documentation on the hearing which will be available to the Appeals Committee in the case of an appeal of either the finding or the sanction imposed. The documentation should include:
 - i)** A copy of the charge sheet.
 - ii)** A copy of any document introduced in evidence or other wise considered by the Discipline Committee.
 - iii)** A description of the circumstances that were considered especially relevant to the finding of guilt or innocence.
 - iv)** The thrust of the student's mitigating statement, if such was made.
 - v)** The reasons for the sanction applied, i.e., why the sanction was as heavy or light as it was.
 - vi)** A copy of this documentation will be kept in the discipline file in the Dean of Students office for the student charged.

7.3. Post Hearing

The Dean of Students is to ensure that sanctions applied are implemented unless an appeal has been made, and will report on their implementation in regular meetings with the Chair of the Discipline Committee.

8. Rights of the Student Charged.

The following general provisions protect the rights of a student charged with an offence:

- a) The student must be informed, in writing, of the nature of the charges against him or her and specifications of the time, date and place of the alleged offence; i.e. he or she must be given a copy of the incident report and charge sheet.
- b) The student has a right to seven (7) class days between the time he or she is given the charge sheet and the time of the hearing in order to prepare the defense, but may waive this right.
- c) The student may use the services of the Student Advocates designated by the Students' Union, or he or she may select another member of the University community, or he or she may choose to act on his or her own behalf without counsel. In the latter case, it is understood that wherever 'Advocate for the Student Charged' appears in the written procedures, it is to be replaced by 'Student Charged.'
- d) The Student charged must, at least three (3) full days prior to the Hearing, advise the Chair of the Discipline Committee in writing the name and title of the Advocate for the Student Charged.
- e) During the hearing, the student charged may request an adjournment in order to bring forth new evidence. The Chair will normally grant the request if there appears a reasonable chance that new evidence to be brought forth will have a bearing on the disposition of the case.
- f) The student charged must be allowed time at any point in the hearing to consult with his or her Advocate, without causing unreasonable delay, the unreasonableness of such delay to be judged by the Chair.
- g) The student has the right to be present throughout the hearing, but not while the Committee is meeting to determine its findings and the sanction(s) to be applied.
- h) The student charged may testify at his or her own discretion, but may not be compelled to testify. If the student testifies, he or she may be further questioned by the Advocate for the Code or the Committee members.

- i) The student has the right to be judged on the basis of the evidence presented and his or her case must not be jeopardized by the introduction of irrelevant material. It will be the responsibility of the Chair to rule on the relevance of material introduced.
- j) The student charged has the right to appeal decisions of the Discipline Committee and is to be notified of that right by the Chair, and of the manner of initiating an appeal.

9. Appeals Procedures.

The following rules govern the processing of appeals against decision of the Discipline Committee or those with summary authority as specified in Section III, subsections 1-4 of this Part.

9.1. Pre-Hearing

- a) Appeals may be launched by the student charged or the Advocate for the Code.
- b) The appellant must forward a notice of appeal in writing to the Chair of the Appeals Committee within seven (7) class days of the handing down of the decision which gives rise to the appeal. The appellant must submit a fee of \$50.00 with the notice. If the appeal is allowed, this fee will be refunded; if the appeal is dismissed, the fee will be forwarded to the University's general revenue account.
- c) Upon receiving the notice of appeal, the Chair will determine if the appellant has met the requirements set out herein. The Chair will inform the appellant of the decision.
- d) The appeal may be against the finding, the sanction, or both finding and sanction.
- e) The notice of appeal must specify the grounds upon which the appeal is based. An appeal of a finding will point to what the appellant considers a significant failure to follow proper procedures or properly construe the evidence presented; an appeal of a sanction will be based on what the appellant considers a disproportionality between the gravity of the offence and the sanction applied.
- f) A student appealing a sanction of suspension or expulsion from University will be sanctioned with a loss of student privileges and a communication ban while the appeal is in process. This means that they will be banned from participating in student sponsored social events, sporting events, the Golden X Inn and all other social privileges.
- g) Once notice of an appeal is received, the Chair of the Appeals Committee shall obtain and provide for Committee members copies of the following:

- i)** the charge sheet and incident report
 - ii)** copies of the documents considered by the Discipline Committee or the person with summary powers
 - iii)** copies of the decision reached by the Discipline Committee or the person with summary powers
 - iv)** copies of the appellant's notice of appeal
 - v)** (optional) copies of a statement from the other party indicating his or her stance on the appeal.
- h)** The Chair of the Appeals Committee should acquaint him or herself with the sanctions that have been applied in the past for offences similar to the one being appealed. Such information would normally be available from the Dean of Students.
- i)** Once a valid notice of an appeal is received, at least seven class days, and not more than fifteen class days, shall intervene before the hearing, unless both parties to the case waive this condition. The Chair of the Appeals Committee will arrange for the time and place of the hearing and assure that all concerned are notified.
- j)** The Advocate for the Code during the Appeals process will be the person who exercised summary powers, the person who held that position before the Discipline Committee, or the Dean of Students. The Advocate for the Student Charged may be the original advocate, if any, or any other member of the University community. The student may choose to act on his or her own behalf without counsel.
- k)** Upon application of the student charged, the Appeals Committee may, in appropriate serious cases, allow the student charged to select an Advocate from outside the University Community. If such relief is granted to the student charged, the Appeals Committee may also allow the Advocate for the Code to be selected from outside the University Community

9.2. Hearing

- a)** Hearings of the Appeals Committee will be closed to the public.
- b)** The Chair will circulate to the Committee members the documentation relevant to the appeal.
- c)** The Chair of the Committee will identify the student charged.
- d)** The Appeals Committee may decide (1) the manner of proceeding in the case if this has not already specified; (2) to allow or dismiss the appeal

against the finding by the Discipline Committee or authority exercising summary powers; (3) to confirm or vary the sanction applied by the Discipline Committee or authority exercising summary powers or to apply a sanction if none had previously been applied. Decisions on previously unspecified procedures will be made by the Chair, with or without consultation, but may be challenged by any member of the Committee, in which case the decision will require a simple majority of the members present, including the Chair. The Committee will hear first from the Advocate for the person bringing the appeal and then from the Advocate for the other side. Normally the Committee will not hear evidence and will make its decisions based on submissions from both parties. The Committee may, however, decide upon application of either party to hear evidence which it considers may be helpful to its deliberations. With the approval of the Chair, witnesses who are complainants/victims may bring the person of their choice from on or off campus as a support person.

- e) Decisions of the Appeals Committee shall be determined by simple majority vote of members in attendance including the Chair. In case of a tie, the appeal shall be dismissed.

8.3. Post Hearing

- a) The appeal procedure ends when the Appeals Committee either dismisses the appeal or renders a decision on findings or sanctions, except where the sanction involved is suspension or expulsion from the University. In that case, an appeal may be made to the University Senate, but the appeal will concern the sanction only.
- b) In the case of an appeal to the Senate, the appellant shall notify the Chair of the Senate, with a copy to the Dean of Students, within seven days of the rendering of the relevant decision of the Appeals Committee. The notice shall be accompanied by a fee of \$50.00, to be refunded if the appeal is allowed and the sanction varied in the direction requested in the appeal. The Chair of Senate will appoint a committee of not fewer than three members, including a Chair, none of whom shall have had previous involvement in the case, and at least one of whom is a student. It will be the committee's responsibility to review the aspects of the case relevant only to the decision on the sanction. The Committee may decide only whether or not to vary the sanction. Documentation regarding the original decision on the sanction may be obtained from the Dean of Students. A unanimous vote of the committee members will be required to vary the sanction. The committee's chair will report its decision in writing to the Chair of Senate, to the parties to the case, to the Dean of Students and to the Chair of the Appeals Committee.
- c) When an appeal has been terminated, the Dean of Students is to ensure that any sanctions applied are implemented, and will report on their implementation in regular meetings with the Chair of the Discipline Committee.

Appendix of Other Policies and Regulations

Students should familiarize themselves with the following University Policies and Regulations as they apply.

Residence Life Handbook to be obtained at the Residence Office
www.stfx.ca/services/residence/handbooks.htm

Alcohol Policy for Residences and Dining Hall to be obtained at the Residence Office
www.stfx.ca/services/residence/handbooks.htm

Guest Policy to be obtained at the Residence Office
www.stfx.ca/services/residence/handbooks.htm

Computer Regulations available from the Technology Support Group
www.stfx.ca/tsg/policies

Library Regulations available from the Angus L. MacDonald Library
<http://libmain.stfx.ca/newlib/services/regulations.htm>

Smoking by-law
www.gov.ns.ca/legislature/legc/statutes/smokfree.htm

Office of the Dean of Students

St. Francis Xavier University

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