

Community Code of Conduct

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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 goals of the University community, and to define the procedures to be followed when Students fail to meet the accepted standards of behavior.

The primary objective of the Code is to be educational 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 Statement of Student Rights and Responsibilities, 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 guaranteed by the human rights laws in Canada, Nova Scotia, and the policies adopted by the University Senate.

- 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 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 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.

3. Student 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.
- 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 (e), the Senate is ultimately responsible for Student discipline and sets standards of behavior 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 proper functioning of the programs and activities of the University or that endangers the health, safety, and rights of its members and visitors, or that adversely affects the property and interests of the University.

Under the University by-laws, Part Two Section 12, the Director, Student Life 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 Director, Student Life day-to-day responsibility for the overall operation and effectiveness of the disciplinary structure. The Director, Student Life reports to Senate through the Vice President, Recruitment and Student Experience.

Responsibility for judicial functions in disciplinary matters is assigned to the Discipline Committee and the Appeals Committee established under the provisions of the by-laws of the University. (See Appendix C)

5. Definitions

"Guest" means a person who is visiting a Student on campus.

"Hazing" 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).

"Student" means a member of the University community upon admittance to an academic program. 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 Coordinator" means an individual appointed by the Director, Student Life to investigate matters of misconduct under the Code, to conduct informal adjudications and to present cases to the Discipline Committee and the Appeals Committee.

"Student Host" means a person who has a Guest on campus.

"University Official" any University employee, including but not limited to: University administration, staff, faculty, Safety and Security Services, Residence Life Staff, Students' Union official, member of the Discipline Committee, or Appeals 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.

"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.

In this document, words in the singular may, when the context so warrants, signify the plural. Words of the masculine gender are to be interpreted as applying to the feminine gender and vice versa.

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 individually 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 his/her Guest, including any violation(s) of this Code to the extent that s/he could have (i) reasonably foreseen the problem, and/or (ii) taken steps to prevent the violation, and/or (iii) minimized the effect of the Guest's behavior.

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 conduct, and there is a clear link to the University community regardless of where the conduct occurred or is alleged to have occurred.

The University reserves the right to administer the Code 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 favor.

7. Social Media and On-line Postings

The means of expression of members of this community continue to evolve with the advent of technology. The University is supportive of these types of community, as they can greatly enhance the social and learning experiences. The use of such technologies 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 breach of University policy may be subject to further investigation and action under the Code.

8. 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 is the standard of proof used in most administrative processes, governed by natural law and is generally understood as meaning that the evidence provided shows it is more likely than not, that the events under review occurred.

Under this standard, the degree of probability should be proportionate to the seriousness of the allegations and the gravity of the potential outcomes.

9. Reporting Bodies

Any member of the University community is entitled to make a report for investigation under the Code. Normally, formal reports are received in writing during the next business day after the incident has occurred. Formal reporting bodies include Residence Life Staff, and Safety and Security Services (See Appendix B).

10. Student Conduct Process

Informal Resolution

The preferred approach for handling misconduct is through informal resolution, particularly for minor offenses. These informal resolutions can take place between any informal adjudicator, and the Student where decisions will be made and corrective action in the form of outcomes might be taken, without formal proceedings as at the Discipline Committee. Other campus partners may be consulted during the informal resolution process, when appropriate and subject to confidentiality considerations (ie. Human Rights and Equity Advisor; Director, Health and Counseling; Director, Athletics and Recreation).

Once a report or complaint is submitted to the Director, Student Life or the Student Conduct Coordinator a letter of notice is electronically sent to the Student listing the alleged offences under the Code. Attached to this email are any reports, witness statements, pictures or other evidence provided at the time of report or investigation. The Student is informed of their right to engage a Student advocate, and a meeting time and date is assigned based on class schedule availability. The Student has 5 business days to reply. Failure to do this within 5 business days of the electronically sent notice may result in a determination of outcome 'in absentia'. The Student is informed of their rights concerning representation, documentation, appeal, and the right to request that the case be moved to the Discipline Committee for a formal adjudication if they wish. The informal adjudicator and the Student then meet to review the material together, both are able to ask questions, make statements and where necessary suggest outcomes. The informal adjudicator will then make a decision. The Student will receive a decision letter and be advised of their right to appeal in all cases. The informal adjudicators are listed below:

Director, Student Life: day to day responsibility for the formulation, promulgation and implementation of regulations for the provision of good order in the University community.

The Director may:

- a. Dismiss a complaint at the investigation stage.
- b. Proceed through the informal process and
 - i. Make a finding of "not responsible"
 - ii. Make a finding of "responsible" and impose outcomes outlined in Section 15 (a –o)
- c. Refer the case to the Discipline Committee for formal adjudication
- d. Prior to a formal hearing, in consultation with the Vice President Recruitment and Student Experience and the Academic Vice President and Provost, temporarily suspend or limit campus access or 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 dealt with under the Code.

Student Conduct Coordinator: reports to the Director, Student Life and acts under their authority to implement the regulations of the Code. The Student Conduct Coordinator is responsible for the assessment of reports, investigation of reports, and, where appropriate, application of appropriate findings and outcomes in the informal process. The Student Conduct Coordinator may:

- a. Dismiss a complaint at the investigation stage
- b. Proceed through the informal process and
 - i. Make a finding of "not responsible"
 - ii. Make a finding "responsible" and impose outcomes outlined in Section 15 (a – o)
- c. Refer back to the Director, Student Life

Residence Life Manager: reports to the Director, Residence Services and may be asked by the Director, Student Life to review or investigate incident reports, and where appropriate, apply findings and outcomes in the informal process. The Residence Life Manager may:

- a. Proceed through the informal process
 - i. Make a finding of "not responsible"
 - ii. Make a finding "responsible" and impose outcomes outlined in Section 15 (a – j)
- b. Refer back to the Director, Student Life

Formal Resolution

In some instances, the Director, Student Life may elect that the Discipline Committee be convened for a formal proceeding. 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 behavior that the informal process has failed to correct. The Student may

also elect to have their matter heard by the Discipline Committee prior to entering into the informal resolution process. The Student will be notified by email of the date, time and place for the hearing before the Discipline Committee. This notice will be given at least 5 business days before the hearing. Procedural rules for a formal hearing are outlined in Appendix D.

Discipline Committee: The Discipline Committee is comprised of seven Students and two faculty members elected by the University faculty (see Appendix C). The Discipline Committee may:

- a. 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 15 (a-q)

If a Student does not appear for his hearing before the Discipline Committee the Committee 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 of the decision letter, unless it is noted in the decision that the outcome shall take effect at another time. Any change to an outcome as a result of an appeal shall take effect according to specified instructions in the written appeal decision.

No University suspension or expulsion shall take effect until the appeal, should there be one, is heard and decided. However, if the appeal is denied, suspension or expulsion may be retroactive to the date of the original decision.

11. Appeals Committee Process

Appeals may be launched by the Student that has received an outcome for an alleged community code violation or by the Student Conduct Coordinator on behalf of the University. The applicant must forward a notice of appeal to the Chair of the Appeals Committee within 7 business days of receiving their letter of outcome. Appeals can be made regarding a finding, an outcome or both.

The notice of appeal must specify the grounds on which the appeal is based. An appeal of a finding must point to what the appellant considers to a significant failure to follow procedure or to properly construe the evidence presented. An appeal based on outcome will be based on what the appellant considers to be a disproportionate balance between the gravity of the situation and the outcome determined.

Once the notice of appeal is received the Chair shall obtain a copy of the Student's file including all evidence presented to the adjudicator and copies of the decision reached by the adjudicating body.

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 5 business 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 Appeals Committee, the Committee may adjourn the hearing or proceed in the Student's absence.

Cases involving University suspension or expulsion can also be appealed to the University Senate (See Appendix E).

12. Student Advocates and Support Person(s)

The role of the Student advocate is to support Students through the judicial process, advise them, and speak on their behalf. Student advocates will not represent Students that wish to willingly mislead, misdirect, deceive or lie to an adjudicating body during the course of the judicial process.

Any member of the University community may act as an advocate for a Student. The Students' Union appoints 3 Student advocates for the academic year. These Student advocates receive training from the Student Life Office related to the Community Code and other University policies that fall under the Community Code jurisdiction.

The Student advocate will be provided all information concerning the incident by the Student Conduct Coordinator at least two days prior to the adjudication. 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 with the Director of Safety and Security Services prior to the adjudication.

A support person may be anyone the Student chooses to assist them in the discipline process. The support person may consult with the Student, but shall not be permitted to speak at either the informal or formal proceeding.

The Student may retain a lawyer for the formal adjudication processes outlined in the Code (ie. Discipline and Appeals Committee(s) and Senate). At these stages, the University also reserves the right to retain counsel.

The University will generally present its case through the Student Conduct Coordinator.

In all instances, the Student should notify the Student Life Office if they are bringing a Student advocate, support person or lawyer so that arrangements can be made regarding the location.

13. Minor Offenses

Minor offenses are actions by a Student or a Student group against the University community, University policies or standards, which have caused minor harm. A student commits a minor offense by:

- a) Possessing open alcohol in unlicensed public areas
- b) Making excessive noise
- c) Removing any University common space, appliance, furniture, fixtures, cafeteria dishes and/or property from its assigned area or damaging or misusing said space or property
- d) Unauthorized soliciting

- e) Littering on University Premises
- f) Failing to comply with or complete a Code of Conduct outcome for a minor offense
- g) Hosting a Guest who commits a minor offense
- h) Having beer bottles in residence
- i) Using heating elements (electrical or otherwise) other than those supplied by Residence Services
- j) Possessing or using halogen lamps in residence
- k) Participating in hall sports in residence (even when damage or injury has not occurred)
- l) Having unauthorized pets in residence
- m) Committing a breach of Guest policy in residence
- n) Accidentally setting off the residence fire alarm
- o) Making an unauthorized room or roommate change in residence
- p) Possessing drug paraphernalia in residence

A Student who is found responsible for a minor offence is subject to the outcomes listed in Section 15 (a-d).

14. Major Offenses

Major offenses are actions by a Student or a Student Group against the University community, or standards or polices. These offenses 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. A student commits a major offence by:

- a) Committing the third and any subsequent minor offense as outlined under the Code
- b) Interfering with any University Official in the performance of the latter's 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
- c) Refusing to produce identification when asked by a properly identified University Official during the course of his or her duty
- d) Possessing, obtaining, or conspiring to obtain a false identification card, entrance ticket, stamp, or bracelet
- e) Misusing any campus building or room access key or card
- f) Displaying or making pornographic material available for viewing in public areas
- g) Using abusive, sexist, racist, homophobic, or otherwise derogatory language in either verbal or written form, or gesture in the course of his or her interactions with another Student, Guest, or University Official
- h) Engaging or encouraging in any form of assault, violence, harassment or threatening behavior on any person which includes but is not limited to striking, grabbing, pushing, or threatening
- i) Engaging in any form of sexual assault or sexual harassment on any person
- j) Engaging in or encouraging the destruction, damage, or defacing of University property or the property of another member of the University community
- k) Stealing, attempting to steal or encouraging theft from the University or another member of the University community
- l) Tampering with 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

- m) Failing to immediately leave a building on University Premises when a fire alarm has been sounded
- n) Publishing, distributing or displaying libelous materials or expressing slanderous statements in any form of media
- o) Using or occupying any part of University property without lawful authority (expressed or implied) or entering into any University Premises to which the Student is forbidden free access
- p) Possessing, using or trafficking of illegal drugs, or any misuse of prescription medications, or pharmaceuticals (see Appendix A for further information)
- q) Possessing, storing or using any firearm, weapon or explosive, or pyrotechnic substance(s)
- r) Acting in a manner that would endanger the health and/or safety of any member of the University community (including themselves)
- s) Causing a disturbance in or out of class which, for any reason which disrupts the good order of the University community
- t) Organizing, encouraging, or participating in unapproved orientation or initiation or hazing activities (see Appendix A for further information)
- u) Consuming, being found to have consumed, or found with alcohol in his or her possession while under the legal drinking age (19) or providing alcohol to minors
- v) Misusing or abusing alcohol including engaging or participating in, or hosting a drinking game, or being intoxicated in a public place
- w) Assisting with or conspiring in any prohibited conduct as defined in this Code
- x) Hosting a Guest who commits a major offense
- y) Failing to comply with or complete a Code of Conduct outcome for a major offense
- z) Organizing or participating in an unauthorized event as defined by the Risk Management Process (See Appendix A for further information).

A student who is found responsible for a major offence is subject to any of the outcomes listed in Section 15.

15. Outcomes

Listed here are the outcomes available to an informal adjudicator or an adjudicating body as indicated in Section 10. 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 offense. Such behavior 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 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) Educational Outcome:

These are applied on a case by case basis and may include, but are not limited to, service to the university or greater community, participation in educational seminars, written assignments, written or oral apologies, or poster displays. Once the outcome has been selected the Student will receive an outline for the project, expectations and a specific due date from the adjudicator.

e) Community Service:

Community service can be from 1 hour in length to a maximum of 20 hours in length. Once community service has been selected the Student must meet with the Student Conduct Coordinator to develop an activity that is beneficial to the University community or the community at large. Once the project has been selected the Student will receive an outline for the project detailing objectives, expectations and a specific due date.

f) Behavioral Contract:

A behavioral contract is a set of behavioral expectations, terms and conditions that is developed with the Student by the Student Conduct Coordinator. With his/her signature, the Student is agreeing to the expectations being placed upon him/herself and is aware that any breach of this contract constitutes an offense that may result in more serious outcomes.

g) 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.

h) 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, Student Life.

i) 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.

j) Behavioral Bond:

A behavioral 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) and sign and abide by a contract as

outlined in (f) above. If, at the end of that time, the Student has not breached the contract, the money will be returned. If they do breach the contract, 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.

k) 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.

l) Disciplinary Probation:

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

m) Residence Relocation:

A Student may be transferred to another residence when his/her behaviour is disruptive to his/her current residence but does not warrant suspension or expulsion from the residence system. A room transfer under these circumstances is normally accompanied by a declaration that 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.

n) Residence Suspension:

Suspension from residence means that a Student is removed from residence for the remainder of his/her current contract. The Student remains responsible for the residence and food services fees for the term. The Student will also be banned from the original residence and/or all residences for a period of time determined at the time of outcome.

o) 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 offense, normally 24 hours, and reflect the level of the 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. Eviction from residence is always accompanied by a declaration that the Student is *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.

p) 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.

q) University Expulsion:

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

16. Evidence and Types of Evidence:

All evidence must be made available to the Student or Student's advocate prior to the adjudication. In the event that evidence was not made 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 informal proceedings, the adjudicator may admit evidence, any oral testimony, any document, written statement or other thing relevant to the subject matter of the proceeding. The adjudicator is not bound by the laws of evidence applicable to judicial proceedings.

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 Coordinator may ask individuals that were directly or indirectly involved in an alleged incident to complete a witness statement form or attend the adjudication. All parties have the right to call, question and cross-examine witnesses. 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. Witnesses cannot be compelled to be present at a hearing against their will. Witnesses will stay in the informal or formal hearing only while they are testifying and responding to questions.

The Student can not be compelled to testify in informal or formal proceedings against him. If the Student chooses to testify, he is subject to cross examination.

17. 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. However, the decision not to record or the malfunction of recording devices or loss of the recording shall not invalidate, in anyway, the related determination and outcome. 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 Conduct Coordinator.

Hard Copy: All hearing notes, documentation and Student conduct files will be kept for the duration of the Students enrollment at the University. Upon graduation or withdrawal the files may be stored in the Student Life Office for up to 7 years.

Electronic Copy: All documentation reports and letters will be condensed and stored in a database maintained and secured in the Student Life Office. 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://people.sfx.ca/ctenbrin/excel14/academic-integrity-document.pdf>

Discrimination and Harassment Policy

<http://www.mystfx.ca/campus/stu-serv/equity/StFX%20Discrimination%20and%20Harassment%20Policy.pdf>

Residence Standards:

http://www.mystfx.ca/services/residence/pdfs/Res_Life_Standards_2010.pdf

Risk Management Process:

<http://www.theu.ca/eventplanning>

Smoking by-Law

<http://www.townofantigonish.ca/BY-LAW/BYLAW%20-%20SMOKING.pdf>

University Policy on Hazing and Initiation

University Policy on Drugs:

http://sites.sfx.ca/student_life/sites/sites.sfx.ca.student_life/files/Policy%20on%20Drugs.pdf

University Alcohol Policy

http://sites.sfx.ca/student_life/sites/sites.sfx.ca.student_life/files/Alcohol%20Policy%20March%202011.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. Under the Director, Safety and Security Services, reporting to the Vice President Recruitment and Student Experience, is 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 Standards that occur in residence buildings. Also residence staff are responsible to report negative behavior witnessed in dining halls.

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 polices pertaining to all Students' Union operations.
- Technology Support Group 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: DISCIPLINE COMMITTEE AND APPEALS COMMITTEE

Part Two Section 11 of the University By Laws

Article I. Discipline shall be under the supervision of a Discipline Committee and an Appeals Committee with ultimate responsibility vested in the University Senate.

Article II. (a) The Discipline Committee shall consist of seven (7) students and two (2) faculty members with a Chair and a Vice-Chair elected from student members.

(b) The student members on this committee shall be appointed by Student Council for a term of one (1) year with the possibility of re-appointment

(c) The faculty members on this committee shall be elected by University Faculty. Initially one (1) member shall be elected for a two (2) year term and the other for a three (3) year term and thereafter members shall be elected for three (3) year terms. No faculty member may serve more than two (2) full terms consecutively.

(d) The Discipline Committee shall have responsibility:

(1) to hear and decide cases involving breaches of discipline by students and to impose sanctions therefore.

(2) to meet jointly with the Appeals Committee and the Dean of Students at least once each year to review the University discipline system and where deemed appropriate to recommend changes therein.

Article III. (a) The Appeals Committee shall be composed of:

(1) three (3) students appointed by the Student Council for terms of one (1) year with the possibility of re-appointment.

(2) three (3) faculty members elected by the University Faculty. Initially one member shall be elected for a one (1) year term, one for a two (2) year term and one for a three (3) year term; thereafter members shall be elected for three (3) year terms. No faculty member shall serve more than two (2) complete terms consecutively.

(3) the Director of Student Services or a member of the University Faculty or staff appointed by the Director as Chair.

(b) The Appeals Committee shall have responsibility:

(1) to hear appeals from decisions of the Discipline Committee;

(2) to meet jointly with the Discipline Committee and the Dean of Students at least once each term to review the University discipline system and where deemed appropriate, to recommend changes therein.

Article IV.

a) No person is eligible to serve on the Discipline Committee and the Appeals Committee at the same time.

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

(1) is not the Dean of Students or Assistant Dean of Students;

(2) is not a member of the Board of Governors, Students' Union Executive, Campus Police or residence staff.

APPENDIX D: FORMAL ADJUDICATION PROCEDURE – DISCIPLINE COMMITTEE

Hearing

1. Hearings will be closed to the public.
2. The Chair will inform the committee of all the alleged Code offenses 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 committee has direct interest or prior involvement in the case under consideration, they must make this known to the Chair and remove themselves from the proceedings.
3. When all the parties have arrived, the Chair will ask the Student Conduct Coordinator, the Student and Student advocate to enter the room.
4. The Chair will ask for a roll call of committee members present. The Chair will then:
 - a) If the Committee has decided to record the hearing, remind the Student they are being recorded and that they may have access to the tape, in the case of an appeal, otherwise it will be kept by the Student Conduct Coordinator
 - b) Ask 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 witness 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 Student Conduct Coordinator to present the case against the Student, and bring in any witnesses
 - a) The Student Advocate or the Student are also given the opportunity to cross examine any witnesses on their evidence
 - b) Chair asks committee 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 and the Student to present their case and any witnesses
 - a) The Student Conduct Coordinator is given the opportunity to cross examine any witnesses on their evidence
 - b) Chair asks the committee 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 the Student Conduct Coordinator and Student Advocate for closing comments.
9. The Discipline Committee then considers the evidence and determines whether or not there was a violation(s) of the Code. The Committee may reserve its decision.
10. If the Committee finds the Student responsible for violation of the Code, the Committee will then hear representations from the Student Conduct Coordinator and the Student Advocate respecting outcomes. After hearing representations, the Discipline Committee will consider same and render its decision on outcomes. The Discipline Committee may reserve its decision.

11. The Discipline Committee may communicate its decisions on finding and/or outcome at the hearing itself or by letter subsequently delivered to the Student and the Student Conduct Coordinator.

APPENDIX E: APPEALS PROCEDURE –APPEALS COMMITTEE

Hearing

1. Hearings will be closed to the public.
2. Prior to the hearing, the Chair will circulate to the other members of the Committee all the information relevant to the appeal.
3. If any member of the Committee has direct interest or prior involvement in the case under consideration, they must 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 Appeals Committee will not generally hear evidence. The Appeals Committee will consider the record which was before the informal adjudicator or the Discipline Committee. The Appeals Committee 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.
6. The appellant will present submissions to the Appeals Committee as to why the finding and/or the outcome should be overturned and/or varied. The other party will then make its submissions. The Committee may ask questions of the Student Advocate and/or Student Conduct Coordinator presenting the case.
7. The Appeals Committee then renders its decision. The Appeals Committee may reserve its decision.
8. In the case of a Student appeal the decisions of the 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

In the case of a University appeal the decisions of the Appeals Committee may include :

- i. The finding of not responsible is confirmed
- ii. The finding of not responsible is overturned
- iii. The outcomes are confirmed
- iv. The outcomes are varied

Post Hearing

In the case that an appeal has been made when the outcome has involved a suspension or expulsion from University an appeal may also be made to the University Senate, but the appeal will concern the outcome only.

In the case of an appeal to the Senate, the appellant shall notify the Chair of the Senate, with a copy to the Director, Student Life (or the Student, if the University is the appellant), and the Academic Vice President and Provost within seven business days of the rendering of the relevant

decision of the Appeals Committee. The Chair of Senate will appoint a committee of not fewer than three members, (including the 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 outcome. The committee may decide only whether or not to vary the outcome. Documentation regarding the original decision on the outcome may be obtained from the Director, Student Life. A unanimous vote of the committee members will be required to vary the outcome. The committee's chair will report its decision in writing to the Chair of Senate, to the parties to the case, to the Director, Student Life and to the Chair of the Appeals Committee.

When an appeal has been terminated, the Director, Student Life is to ensure that any outcomes applied are implemented, and will report on their implementation in regular meetings with the Chair of the Discipline Committee.
