

Saint Mary's University

Student Discipline Code

Introduction

The Student Discipline Code is the means by which Residence Security is able to function. It outlines rules and regulations set out by the University for not only the Residences, but the entire University Community. It is broken up into 41 sections, or paragraphs, under 14 headings. Terms you may find in the following descriptions: "SDB" - Student Disciplinary Board; "SDC" - Student Discipline Code.

Pre-amble:

1. Outlines the objectives of the University in setting out the SDC. Encompasses Paragraphs One (1) through Five (5).

Introduction

2. The Introduction further outlines the University's purpose in adopting the SDC.

Misconduct:

3. This section defines those actions that constitute misconduct, and for which the SDC applies. It encompasses Paragraph Seven (7), which is further broken down into parts (a) through (n).

Disciplinary Officers and Jurisdiction:

4. This section outlines those individuals who are considered to be Disciplinary Officers and their Jurisdiction throughout the University. It encompasses Paragraphs Eight (8) through Ten (10).

Sexual Harassment:

5. This section outlines a separate Act the University utilizes for dealing with misconduct of this nature. Paragraph Eleven (11).

Disciplinary Complaints:

6. Gives details to the fact that any member of the University Community may file a complaint to a Disciplinary Officer. Paragraph Twelve (12).

Disciplinary Hearing:

7. This rather long and detailed section outlines the purpose, creation and procedures of the Student Discipline Board, and Disciplinary Hearings. Paragraphs Thirteen (13) through Twenty-One (21).

Decision:

8. This section details actions to be taken once the SDB comes to a decision. Paragraph Twenty-Two (22).

Disciplinary Penalties:

9. This section outlines the appropriate penalties that may or may not be imposed upon a student respondent (the accused student). Paragraphs Twenty-Three (23) through Twenty-Seven (27).

Appeals Procedure:

10. This section outlines the procedures to be undertaken in the event of an appeal. Encompasses Paragraphs Twenty-Eight (28) through Thirty-Three (33).

Fines, Etc.:

11. Outlines where the money of a fine is to be paid. Paragraph Thirty-Four (34).

Offenses against Security Officers:

12. Details the likely recommendation in the event of an assault on a Security Officer. Encompasses Paragraph Thirty-Five (35).

General:

13. Defines and outlines issues concerning time limits. Paragraphs Thirty-Six (36) through Thirty-Seven (37).

University Housing Disciplinary Procedures:

14. Rules and Regulations concerning the University Residences. It also outlines the Bonding Notices; their purpose and appeal procedures. Paragraphs Thirty-Eight (38) through Forty-One (41).

Preamble

1. Among the objectives of Saint Mary's University are:
 - a. To promote and disseminate learning and knowledge.
 - b. To provide an atmosphere of freedom, responsibility and mutual respect in the University community, and,
 - c. To aid in the improvement of society in all ways consistent with these objects.
2. It is important to recognize that in the fulfillment of these objectives, non-academics standards of behavior on the University Campus are as important as academic standards. The Student Discipline Code is directed towards non-academic standards of behavior and seeks to define the rights and responsibilities of students as members of the University Community.
3. Discipline should encourage students to understand the fundamental values that are essential to the well-being of both the individuals and society, and to accept responsibility for the consequences of their actions.
4. Students will be responsible for their conduct and will accept the consequences for choices made.
5. The Student Discipline Code is adopted by the Board of Governors pursuant to Section 8(1)(g) of the Saint Mary's University Act.

Introduction

6. Premises of the Student Discipline Code
 - a. The Student Discipline Code is committed to fairness in disciplinary and appeal procedures.
 - b. The Student Discipline Code is committed to clarity of form and content, in order to facilitate a fair and timely resolution of problems.
 - c. Notwithstanding the rules and procedures set out in the Student Discipline Code, the President retains his/her authority to exercise general supervision over the students in accordance with the University Act.
 - d. The purpose of this discipline code is instruction. It is a process through which individuals learn to behave in a manner consistent with expectations designed to allow the greatest number of people the opportunity to learn in an appropriate and safe environment.

Misconduct

7. Misconduct for which students of the University will be subject to discipline includes but is not limited to:
 - a. conduct which threatens or endangers the health, safety, or well-being of anyone in their capacity as a member of the University community on or off campus,

- b. the use of abusive or offensive language or gestures at University sponsored functions,
- c. theft of, or deliberate or reckless damage to, University property or the property of a member of the University community,
- d. violations of published rules including those governing University residences,
- e. dishonesty, including, but not limited to:
 - i. knowingly furnishing false information or failing to verify the accuracy of the information provided, and
 - ii. fraud, forgery, alterations or misrepresentation of documents, University records or instruments of identification;
- f. use or consumption of intoxicants, including alcoholic beverages, except where specifically authorized under lawful conditions,
- g. unauthorized use of the University's corporate name, crest, or logo,
- h. intentional obstruction or disruption of any University sponsored function, including disciplinary proceedings held in accordance with these regulations,
- i. the entry or attempted entry without lawful authority of any building, facility or dwelling on University property,
- j. failing to comply with the direction of University officials acting in the performance of their authorized duties,
- k. violation of any law of Canada, including but not limited to, acts declared unlawful relating to drugs, alcoholic beverages or gambling or the possession of weapons,
- l. the unauthorized alterations or misuse of any fire fighting equipment, safety equipment or emergency devise,
- m. soliciting or canvassing for commercial purposes without prior written authorization from the University, and
- n. Deliberate assault upon a security officer (including without limitation, members of the campus police force, residence assistants, residence security staff or security officers).

Disciplinary Officers and Jurisdiction

- 8. Under the general responsibility and direction of the Director of Student Services, and subject to Senate regulations, the following Administrative Officers at the University (hereinafter called "Disciplinary Officer") shall have jurisdiction in matters of student conduct and discipline in respect of all registered students at the University, both full and part-time, and all student organizations at the University:
 - a. in matters of damage to property or misconduct against the person, occurring within the confines to the residences maintained by the University (the "Residences"), the Director of Residences,
 - b. in matters involving property damage to University property outside the confines of the Residences, the Director of Student Services,
 - c. in matters involving misconduct against the person committed on University property, but outside the Residences, and relating to misconduct against the person and/or property outside the University, the Director of Student Services, and

- d. Notwithstanding (a), (b), and (c), in respect of all cases of sexual harassment, regardless of location, the Sexual Harassment Advisor.
9. In the event that the Disciplinary Officer having jurisdiction is unable to act upon any complaint filed with him/her, or must disqualify himself/herself from acting upon any complaint for any reason, that officer shall refer the matter to either of the other Disciplinary Officers who shall, upon referral of any complaint, have jurisdiction to act upon the complaint. Should those other officers also disqualify themselves, the matter may be referred to the Assistant Director of Residences (Residence Life).
10. The Disciplinary Officers, when exercising their jurisdiction as set out herein, shall uphold the authority of the Board of Governors, the Senate and the Saint Mary's University Students' Association (the Students' Association).

Sexual Harassment

11. Because of the special considerations involved in cases of sexual harassment, the Senate has approved a procedure for dealing with sexual harassment. This Policy contains a complete code with respect to matters of complaints of sexual harassment and shall be used to govern all cases of sexual harassment even where it conflicts with this Policy, except in so far as disciplinary penalties are concerned. The range of disciplinary penalties which can be invoked in cases of sexual harassment are those enumerated in Article 23 of that Policy.

Disciplinary Complaints

12. Any member of the University community (ie., students, faculty, administrators or employees) may lodge a complaint with any of the Disciplinary Officers alleging that a student has engaged in a misconduct. Any such complaint shall set out the facts of the alleged misconduct and shall be made within five days of the complainant having become aware of the misconduct. A Disciplinary Officer shall have the power to extend the time for filing a complaint if he/she deems it appropriate having regard to all the circumstances surrounding the alleged misconduct.

Disciplinary Hearing

13. Complaints will be heard by a Board (the Student Disciplinary Board or "SDB") consisting of three persons as follows:
 - a. the Disciplinary Officer having jurisdiction over the complaint (8.a),(b),(c),
 - b. one member of the administration staff of the University to be appointed by the President, and
 - c. one student chosen by the Director of Student Services through an interview process, in consultation with the Saint Mary's Students' Association

With respect to the administrative and student members, an alternate for each shall be designated as outlined in 13.b) and c).

14. Disciplinary hearings will be chaired by the Disciplinary Officer having jurisdiction.
15. Upon receiving any complaint, the Disciplinary Officer acting in respect of the alleged misconducts shall set a time and place for the hearing of the complaint. Wherever possible, the hearing of the complaint shall be within ten (10) days from the date of the receipt of the complaint by the Disciplinary Officer acting in respect of the alleged offence.
16. The Disciplinary Officer acting in respect of the alleged misconduct shall serve the student respondent with notice of the time and place of the hearing and the nature of the alleged misconduct not later than 48 hours prior to the time set for the hearing. This notice can be waived by a mutual agreement.
17. A student respondent shall have the liberty to admit to the misconduct with explanation and avoid a full disciplinary hearing. Once the Disciplinary Officer has heard the admission with or without "explanation" he/she shall advise the student of his/her decision regarding a disciplinary penalty. The student may accept this decision or may request a full hearing of the Student Disciplinary Board. In the latter case, the Disciplinary Officer will disqualify him/herself from hearing the case and refer the complaint to the second Disciplinary Officer. A student respondent who accepts the decision made by the Disciplinary Officer shall not have the right to an appeal subject to the complainant's right of appeal.

In the event that a student respondent fails or refuses to comply with the disciplinary penalty and/or fine imposed hereunder, the Disciplinary Officer shall recommend to the Appeal Board the suspension and/or expulsion of the person from the University and shall provide notice of his/her recommendation to the person.

18. At the commencement of any hearing, the Chair of the Student Disciplinary Board shall ask the accused person to admit or deny the allegations of misconduct. In the event that the student respondent neither admits nor denies the allegations, the Disciplinary Officer shall consider that the student respondent denies the allegations and require the complainant to provide evidence in support of the complaint.
19. The Student Disciplinary Board shall have the power to determine the procedure to be followed at any disciplinary hearing, but in every case shall provide both the complainant and the student respondent the opportunity to testify personally, to call witnesses and to make representations provided, however, that the complainant's case against a student respondent shall be completed prior to the student's testifying or calling witnesses.
20. Both the complainant and the student respondent will normally present their cases without necessity of legal or other representation. In appropriate circumstances, the Student Disciplinary Board may allow parties to be assisted by an advisor, legal or otherwise, but in any case, where a person wishes to have representation, he/she shall so advise the Chair of the Student Disciplinary Board not less than 48 hours prior to the hearing.

- 21.** In the event that a student respondent, having been given notice thereof, shall fail or refuse to attend the disciplinary hearing at the place and time set therefore, the Student Disciplinary Board shall conduct the hearing in the absence of the student respondent.

Decision

- 22.** The Student Disciplinary Board shall, within five (5) days of the conclusion of a hearing, render the Student Disciplinary Board's decision in writing, setting out the reasons therein for the Student Disciplinary Board's decision. The decision of the Student Disciplinary Board shall be the decision of a majority of the Board. The student respondent and the complainant shall be sent a copy of the decision within two (2) days of the rendering of the decision, and a copy of the decision shall be forwarded to the President of the Students' Association, the President of the University and the other Disciplinary Officers.

Disciplinary Penalties

- 23.** The Student Disciplinary Board shall, on completion of the hearing, have the power to dismiss the complaint if the Board concludes that the student respondent did not engage in the alleged misconduct, or to impose any of the following penalties, if the Board concludes that the student respondent did engage in the misconduct:
- a. to suspend the imposition of any penalty upon the student respondent, either conditionally or absolutely,
 - b. to order restitution to any person or organization offended, or to the University,
 - c. To order that the student respondent reimburse the University for Administrative Costs associated with the matter. Ten (10) dollars will be the amount normally levied in respect of administrative costs, but the University reserves the right to levy such amount as is appropriate in the circumstances of each case,
 - d. To levy such fine or penalty as the Student Disciplinary Board deems appropriate, but no monetary penalty in excess of the actual monetary amount of damage caused by the student respondent plus a fine of \$100.00 shall be levied in a case where the student respondent admits to the misconduct.
 - e. to recommend to the Appeal Board the suspension and/or expulsion of the student respondent from the University, and/or
 - f. To impose any other penalty that is deemed appropriate having regard to all the circumstances surrounding the complaint.
- 24.** In the event that a student respondent fails or refuses to comply with the disciplinary penalty and/or fine imposed hereunder, the Disciplinary Officer shall recommend to the Appeal Board the suspensions and/or expulsion of the person from the University and shall provide notice of his/her recommendation to the person.
- 25.** There shall be an Appeal Board consisting of three persons to be appointed as follows:

- a. one faculty member to be appointed by the Senate,
- b. one member of the Administration Staff of the University to be appointed by the President of the University, and
- c. one student to be appointed by the Student's Council

An alternate for each of these persons shall be designated as in 25. (a), (b) and (c).

26. The following people are not eligible to serve on the Appeal Board:

- a. Student Security,
- b. Residence Assistants,
- c. Residence Security, and,
- d. Disciplinary Officers

27. The Faculty member shall act as chairperson of the Appeal Board.

Appeals Procedure

28. If either complainant or the student respondent feels aggrieved by the decision or penalty imposed by the student Disciplinary Board, they may file a written notice for consideration of an appeal with the Appeal Board within five (5) days of receiving notice of the decision of the Student Disciplinary Board. A person filing a Notice of Appeal shall, at the time of filing the Notice, pay to the University a deposit of \$25.00. If the appellant is successful in the appeal, the deposit shall normally be refunded to him/her.

29. The grounds for an appeal shall be limited to:

- a. disclosure of new and relevant evidence not available at the original hearing, and/or
- b. severity of the penalty

The Chairperson, in consultation with the board members, shall consider the relevance of the student's appeal on these grounds prior to setting an appeal hearing. If the Appeal Board finds that grounds do not exist then the appeal is to be denied and the chairperson shall notify the appellant within 48 hours.

30. Once it has been determined that an appeal is warranted, the Chairperson of the Appeal Board shall set a time and place for the hearing of the appeal. An appeal shall normally be heard within five (5) University business days from the date of the filing of Notice of Appeal. The chairperson shall inform the complainant, the student respondent and the Disciplinary Officer of the time and place for the hearing. He/she shall also make known the grounds for an appeal as outlined in 25. (a) and (b).

31. The Appeal Board shall have the right to determine its own procedure, but in every case shall give both the complainant and the student respondent the right to make representations. Both

the complainant and the student respondent will normally present their cases without legal or other representation. In appropriate circumstances, the Appeal Board may allow parties to be assisted by a representative (legal or otherwise), but in any case, where a person wishes to have representation, he/she shall so advise the Chairperson of the Appeal Board not less than 48 hours prior to the hearing.

32. Upon hearing any Appeal, the Appeal Board may confirm the decision of the Student Disciplinary Board or vary the decision in any manner which it deems appropriate. In any case where the Appeal Board has decided to suspend/expel a person from the University, it shall forward the decision to the President of the University for Approval.
33. The decision of the Disciplinary Appeal Board shall be the decision of a majority of the Board, and shall be made known to all interested parties in accordance with the manner set out in paragraph 22 herein.

Fines, Etc

34. All fines or other money received pursuant to this Student Disciplinary System shall be paid to the general account of the University. The Chairperson of the Appeal Board shall ensure that, where appropriate, any funds so received are credited to the University Department concerned.

Offenses against Security Officers

35. Where the Student Disciplinary Board has found that a student respondent has committed an assault upon a Security Officer (including, without limitation, members of the Student Security Force, Residence Assistants, Residence Security Officers) the Student Disciplinary Board shall recommend to the Appeal Board the suspension and/or expulsion of the person from the University and shall provide notice of its' recommendation to the person.

General

36. In this Disciplinary System, unless otherwise specified, "days" shall mean University Business days.
37. The Student Disciplinary Board acting in respect of a complaint, or the Appeal Board in the case of an appeal, shall have the power to extend or waive any of the time limits contained herein if it considers that it is necessary in the circumstances and that it would not prejudice any of the parties involved.

University Housing Disciplinary Procedures

38. All students who reside in University housing must abide by the Saint Mary's University Student Discipline Code and by the policies and regulations set out in the Residence Handbook, Residence Agreement, and the University Calendar.

39. Residence Assistants (RA), Residence Coordinators (RC), and Residence Security Officers (RSO) shall be empowered by the Director of University Residences to issue bonding notices for misconduct which would not normally be heard through the Student Discipline Code including:

- a. non-evacuation during a fire alarm/emergency,
- b. excessive noise and/or violation of Quiet Hour Policy,
- c. mischief/disruptive behaviour,
- d. violation of Liquor Policy,
- e. playing hallway games,
- f. violation of Smoking Policy,
- g. violation of Guest and/or Visitor Policy

40. The bonding Notice may be in the form of a warning only or a bond in the amount of \$50.00. The bond becomes payable within two business days of the date of a second bond being issued. One copy of the Bonding Notice goes to the student, a second to the RA, RC or RSO and a third to the Director. Within twenty-four hours of issuing a Bonding Notice, the RA/RC/RSO must complete an incident report copying the student, the RA/RC/RSO and the Director.

41. Appeals of a Bonding Notice will be heard by a Residence Discipline Committee, which shall be scheduled as follows:

- a. the committee will be called together by the Residence Coordinator of the residence in which the bonded student lives,
- b. The committee shall consist of five residence student members who shall represent a cross-section of all residences. Committee members shall be selected by the Director, University Residences through an interview process (See Article 26 for eligibility requirements).
- c. three members shall constitute quorum of the committee,
- d. the Chairperson of the committee shall be chosen by a majority vote of the committee members, and
- e. The decision of the committee shall be final and shall be communicated to the bonded student, with copies to the Residence Coordinator and Director, within five (5) days of the hearing.

Frequently Asked Questions

The Student Discipline Code (SDC) is the bases for the rules and regulations adopted by Residence Security. What does that mean for you? The following are questions that students often ask.

What is the purpose of the SDC and to whom does it apply?

- The SDC is a set of rules and regulations in place to measure the conduct of students and the consequences of misconduct. The SDC applies to all students, whether they live in residence or not. It applies to the entire University Community. See Paragraphs One (1) through Five (5).