



<b>Name:</b>	Saint Mary's University Code of Student Conduct
<b>Policy Number:</b>	8-1020
<b>Origin:</b>	Senate
<b>Approved:</b>	2020-JUN-19
<b>Issuing Authority:</b>	Board of Governors
<b>Responsibility:</b>	Senior Director, Student Affairs and Services
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## A. Statement of Principles

Saint Mary's University is a learning, teaching, and working community of students, faculty and staff, committed to providing a civil and safe environment which is respectful of the rights, responsibilities, well-being and dignity of all of its members.

The Code of Student Conduct ("Code") reflects the expectation that students will conduct themselves in a manner consistent with generally accepted standards of behaviour, University regulations and policies, departmental policies, and in compliance with federal, provincial and municipal laws, as well as professional standards and codes of ethics that govern students who are members of some regulated professions.

The Code outlines, in a non-exhaustive manner, actions which the University considers to be non-academic misconduct offences and the range of remedies and/or sanctions which may be imposed. The principles underlying this Code are educational and whenever appropriate the University encourages informal resolution of incidents. However, when necessary due to unacceptable conduct, sanctions will be imposed in the manner described in the Procedures section to ensure an acceptable standard is maintained.

The foundational principles upon which the Code has been built include:

1. Every student enjoys within the University all rights and freedoms recognized by law.
2. The University is committed to creating a culture of respect and a campus environment free from oppression manifested in racism, sexism, homophobia, heterosexism, transphobia, ageism, ableism and other forms of systemic and social exclusion.
3. The University has an obligation to maintain safe and suitable conditions for learning, teaching and working.
4. Students will conduct themselves in a manner consistent with the educational mission and policies of the University.
5. The University is not concerned with the way students conduct their personal lives and will not institute disciplinary proceedings unless Saint Mary's University interests are affected, the

actions have a negative impact on faculty, staff or other students, the actions damage the learning, teaching and work environment of the University, or the actions impact the peaceful and safe enjoyment of University housing by residents and neighbours.

6. This Code is applied on the basis of a written complaint (electronic submissions are acceptable). In exceptional circumstances (e.g., where there is a risk of harm to a community member and/or the University has a legal obligation to act), the University may initiate proceedings based on information received (regardless of whether it is provided in writing at the time of the report).
7. All complaints will be handled and decision-making processes conducted in a manner consistent with the principles of natural justice and administrative fairness.
8. This Code will be applied regardless of the medium used for committing misconduct.
9. When a student's behaviour indicates a risk to others, then an interdisciplinary approach will be employed to assess risk and make recommendations.

This Code applies to non-academic conduct. Academic conduct is governed by the Senate Academic Regulation 19.

Notwithstanding the rules and procedures set out in this Code, the University President retains the authority to exercise general supervision over the students in accordance with the University Act.

Saint Mary's students, staff and faculty are responsible for familiarizing themselves with this Code.

## **B. Definitions**

In this policy,

'Adjudication Panel' means a committee of four individuals which hears cases that could result in sanctions such as suspension and expulsion from the University.

'Behavioural Incident Advisory Committee' means a committee of individuals that represent several services on campus who provide behavioural risk recognition, information gathering, and recommendations to the appropriate person or group on campus.

'Code' means the Code of Student Conduct, *Policy Number 8-1020*, of Saint Mary's University.

'Complainant' means the person (or persons) who files a complaint about a student's behaviour as a potential breach of the Code.

'Hearing' means a meeting between the respondent and the Senior Director, Student Affairs and Services, or designate or with the Adjudication Panel conducted under Section E. Process of the Code which informs a decision about whether the Code has been breached.

'Interim Measure' means temporary, non-disciplinary conditions imposed on the respondent in order to protect the safety and wellbeing of the University community during a Code process.

'Residence Code of Conduct' means the Residence Code of Conduct as posted on the University website.

'Representative' means an advisory or support person for the complainant or respondent, which may include an advocate provided by the Saint Mary's University Students Association.

'Respondent' means a student (or students) against whom allegations of a breach of the Code have been made.

'Sanction' means an outcome applied as result of a Code process that is agreed upon by the parties or imposed on the respondent by the University, depending on the process used.

'University Community' means any students, staff, faculty (including contract teaching faculty, adjunct and visiting faculty), administrators, and volunteers at Saint Mary's University.

'University Property' means all buildings or property owned, leased or operated by the University.

'Working Days' means all weekdays, excluding statutory holidays and University closures.

### **C. Application of Policy**

#### **1. Peaceful Assemblies and Freedom of Expression**

Nothing in this Code shall be construed to prohibit peaceful assemblies and demonstrations, lawful picketing, or to inhibit freedom of expression.

#### **2. On Campus**

This Code applies to all conduct which takes place on University land and premises either rented or owned or using University owned or run property or equipment including, but not limited to, telephones, computers and computer networks. Conduct of students who live in residences and which takes place in residence is also governed by the Residence Code of Conduct.

#### **3. Off Campus**

This Code applies to the conduct of students off campus:

- a. When they have declared publicly that they represent the University;
- b. When they are on a course (including but not limited to practicums, placements, volunteering, or exchange programs), conducting research, or participating in an organized class activity;
- c. When they are participating in a Saint Mary's University-related event that has been identified as such; or
- d. In exceptional circumstances when the potential consequences of the conduct may adversely affect the complainant's course of learning, teaching or work at the University.

#### **4. Technology**

In conjunction with the Information Technology Policy, the use of technology, including personal communications and online profiles, to engage in behaviour intended or with the potential to do harm to a University community member or the community in general will be treated as having equal impact and intent as other means of communication and is also within the scope of the Code.

#### **5. Persons Covered by this Code**

- a. Currently enrolled students: Graduate, undergraduate, exchange, audit and continuing education students enrolled either full-time or part-time in classes, either credit or non-credit, of the University, including collaborative programs and when on placements that are part of their academic program;

- b. Students who are active in a program but not currently enrolled in classes including students currently on a suspension;
- c. Former students: if the respondent was a student at the time of the alleged violation of the Code.

If any proceedings under this Code cannot be initiated or completed because a person against whom a complaint has been filed is no longer a student as defined in this section, the proceeding may continue if the person becomes a student again. Sanctions levied under such circumstances shall be noted on the person's record and the person shall not be permitted to enroll in any class at the University until such time as the sanction imposed has been fulfilled.

#### 6. Relationship to Other Policies and Proceedings

##### a. Code Does Not Supersede Other Policies

Nothing in this Code shall replace or supersede any complaint, grievance or appeal procedure set out in any collective agreement to which the University is a party, Academic Regulations, or other University policies (e.g. Sexual Violence Policy, Discrimination and Harassment Prevention Policy, Residence Code of Conduct, etc.)

When conduct may violate multiple policies, the Senior Director, Student Affairs and Services, or designate will assess whether this Code should apply and how best to proceed to ensure a fair, expeditious and, where possible, streamlined approach. Where multiple internal codes or policies apply, those responsible for initiating the processes will confer to determine which process should be applied, which takes precedence and whether engaging multiple procedures is warranted. To the extent that there is any conflict or overlap between the provisions of any applicable policy, such conflict will be resolved by consultation between the parties responsible for the administration of relevant codes or policies.

##### b. Civil or Criminal Proceedings

Conduct that constitutes a breach of the Criminal Code or other statute, or that would give rise to a civil claim or action, should ordinarily be dealt with by the appropriate criminal or civil proceedings. In most cases, formal resolution by the University of any allegations which are the subject of a criminal or civil court proceeding will be suspended until the resolution of that proceeding.

In cases in which criminal or civil proceedings have not been taken, or the proceedings would not adequately protect the University's interests, and/or provide adequate safety and risk mitigation measures, the University reserves the right to take action under this Code, including the application of interim measures.

##### c. Meeting requirements under the Occupational Health and Safety Act

Under the Nova Scotia Occupational Health and Safety Act, all incidents of workplace violence, harassment that could lead to workplace violence, or domestic violence which may continue in the workplace must be reported and managed in accordance with University policies.

## **D. Offences Prohibited Under This Code**

The offences described in this Code are not intended to be exhaustive, but to provide reasonable guidance to students. Violations could consist of a single act, repeated acts or form part of a pattern of behaviour that, taken together, constitutes a violation of the Code.

1. Disruption of Learning, Teaching and Work – Students shall not engage in disruption or obstruction by action, threat or otherwise, of any University activity, including teaching, learning, research, administration, disciplinary proceedings, events or any behaviour or conduct that disrupts the normal operations of the University and infringes on the rights of other members of the University community.
2. Harassment – Students shall not:
  - a. Engage in a course of vexatious conduct, harassment or discrimination that is directed at one or more specific persons and that is based on the following grounds or characteristics as outlined in the Nova Scotia Human Rights Act: age, race, colour, religion, creed, sex, sexual orientation, gender identity, gender expression, physical disability or mental disability, an irrational fear of contracting an illness or disease, ethnic or national or aboriginal origin, family status, marital status, source of income, political belief or affiliation or activity, or association with an individual or a class of individuals having characteristics as outlined above;
  - b. Engage in conduct which, although not based on the grounds specified by the Nova Scotia Human Rights Act, is abusive, demeaning, threatening, intimidating or involves the misuse of power and authority;
  - c. Engage in unwelcome or persistent conduct that the student knows or ought to reasonably know would cause a person to feel demeaned, intimidated or harassed.
3. Threats and Harm to Health and Safety – Students shall not endanger, threaten, harm, or encourage others to endanger, threaten or harm, or act in ways that would reasonably be perceived to endanger, threaten or harm the physical and mental well-being of any member of the University community.
4. Theft, Damage and Destruction of Property – Students shall not steal, damage or destroy property of the University or the property of a member of the University community.
5. Contravention of University Regulation – Students shall not violate any University policy, rule, or regulation, published or posted by the University, including those governing University residences, smoke-free campus, and cannabis-free campus.
6. Misuse of Facilities, Equipment, Materials or Services – Students shall not:
  - a. Use any University facility, equipment, material or service contrary to expressed instruction, without proper authority, or in a manner that might put another person at risk;
  - b. Obtain any University equipment, material or service by fraudulent means or by knowingly providing false information.
7. Misrepresentation or False Information – Students shall not:
  - a. Possess, distribute or use false or altered identification;
  - b. Furnish false, incomplete, or misleading information about oneself or another individual;

- c. Fail to provide a valid form of identification to representatives of the University or Emergency Services where such information is relevant to the legitimate pursuit of their duties.
8. Compliance with Directions from University Employees – Students are required to comply with the direction of University student staff, faculty or employees, acting in the legitimate performance of their authorized duties.
9. Unauthorized Entry and/or Presence – Students shall not enter, use or let someone else use non-public areas of the University without permission and must leave those premises if asked to do so by authorized University staff.
10. Misconduct Related to the Possession, Use or Consumption of Alcohol, Drugs and Controlled Substances – Students shall not distribute, possess, use, consume, cultivate or manufacture substances, including alcoholic beverages and cannabis, except as expressly permitted by law.
11. Violation of Law – Students shall not engage in conduct that would constitute a violation of any provincial, federal, and applicable municipal laws, including violation of local bylaws.
12. Hazing – Students shall not engage in any act which endangers, or could reasonably be seen to endanger the mental or physical health or safety of a student, for the purpose of initiation, admission into, affiliation with, or as a condition of continued membership in, a group or organization.
13. Firearms, Explosives, and Weapons – Students shall not use, possess, or distribute firearms, explosives, or other weapons, including replica firearms, explosives or other weapons.
14. False, Frivolous or Malicious Charges – Students shall not knowingly bring a false, frivolous or malicious charge under this Code or any other policy of the University.
15. Aiding in the Commission of an Offence – Students shall not use words or actions that encourage or aid others in the commission of an act that is in violation of this Code.
16. Failure to Comply – Students shall comply with remedies and sanctions outlined in Section F.3. as a result of breaching this Code.

## **E. Procedures**

### **E.1. General Provisions**

1. Anyone may consult with the Senior Director, Student Affairs and Services, or designate anonymously if they wish, on concerns:
  - a. About student conduct. For example, the Senior Director, Student Affairs and Services, or designate can provide advice on ways to resolve issues without launching a complaint and can assist in achieving informal resolution.
  - b. That a student whose behaviour is causing a concern may pose a risk to themselves or others. The Senior Director, Student Affairs and Services, or designate, working through the

Behaviour Incident Advisory Committee, is part of an interdisciplinary approach the University uses to identify students at risk and determine appropriate interventions.

2. All formal notification and delivery of documents under the Code and these procedures will be by email to a smu.ca email account and/or other email account noted on file for the student. Students are responsible for frequently monitoring email accounts, including during exams and break periods.
3. The complainant and the respondent are entitled to the support and assistance of a representative at any time in the process under the Code.
4. The University acknowledges and respects the confidentiality of student records, and will take reasonable and prudent measures to protect and maintain the privacy of personal information in its possession or under its control in accordance with legislation. The University requires everyone involved in the complaints process to respect the confidentiality of all individuals. The University will provide the complainant and respondent with regular updates on the progress being made on the review of the complaint. Final decisions will be provided to the complainant and the respondent.
5. The Senior Director, Student Affairs and Services, or designate shall retain and make available for consultation a non-identifying aggregate summary of the outcome of all complaints, whether or not they have proceeded to a formal resolution, including findings and sanctions applied.
6. At each stage of decision-making under these procedures the onus of establishing that there has been a violation of the Code shall be on the University. Decisions will be based on a balance of probabilities, meaning the evidence shows it is more likely than not the alleged violation occurred.
7. If a student breaches s. D.16 of the Code, no investigation shall be required for the purpose of imposing additional remedies and sanctions as a result of the breach.

## **E.2. Complaints Process**

1. Any member of the University community (student, staff or faculty) may file a complaint relating to conduct by a student to whom this Code applies.
2. All complaints must be submitted to the Office of the Senior Director, Student Affairs and Services, or designate in writing (electronic submissions are acceptable), and must include the name and contact information of the person making the complaint.
3. Upon receipt of a complaint, there will be consideration of whether the conduct alleged in the complaint is best addressed under this or other University policies or processes or separate external processes (e.g. civil or criminal proceedings). The Senior Director, Student Affairs and Services, or designate may decide that the complaint does not address conduct that is covered by this Code. In that case, the Senior Director, Student Affairs and Services, or designate will notify the person making the complaint in writing, providing support and resources as appropriate. If new information is subsequently provided, this decision may be re-evaluated.
4. The complaint must be submitted to the Senior Director, Student Affairs and Services, or designate within twenty (20) working days of the incident in question. This time period for filing notice of an alleged complaint may be extended at the discretion of the Senior Director, Student Affairs and

Services, or designate where there is a bona fide reason to do so and where those affected by the allegations will not be unduly prejudiced. The complainant may indicate the reasons for extension within the written complaint or by meeting with the Senior, Director, Student Affairs and Services.

5. Under exceptional circumstances, such as situations involving a risk of harm to a community member, proceedings under this Code may be initiated without a written complaint.

### **E.3. Notification of Complaint and Meetings with Parties**

1. As part of the investigation and assessment of the Complaint, the Senior Director, Student Affairs and Services, or designate should normally meet with the person making a complaint within ten (10) working days after receiving the complaint. During the meeting, the Senior Director, Student Affairs and Services, or designate will determine the appropriate resolution path, inform the complainant of the process, and shall remind the person making a complaint of the confidentiality expectations described in section E.1.4 of the Procedures. The person making a complaint is permitted to bring a representative to the meeting with the Senior Director, Student Affairs and Services, or designate. The representative is intended to provide personal support.
2. After meeting with the person making a complaint, if the Senior Director, Student Affairs and Services, or designate determines the issue(s) raised should be handled under the Code, the Senior Director, Student Affairs and Services, or designate shall invite the respondent to meet and provide the respondent with a written notice of the complaint. The notice shall include:
  - a. A description of the specific allegation made against the respondent;
  - b. The identity of the person making a complaint, unless the Senior Director, Student Affairs and Services, or designate determines, in his or her discretion, not to do so due to safety concerns;
  - c. A brief outline of the information received by the Senior Director, Student Affairs and Services, or designate;
  - d. A statement outlining the confidentiality expectations described in section E.1.4 of the procedures; and
  - e. The requirement for the respondent to meet with the Senior Director, Student Affairs and Services, or designate to discuss the Complaint within ten (10) working days of the date the Senior Director, Student Affairs and Services, or designate provided the notice of the Complaint to the respondent in writing.
3. The respondent is entitled to bring a representative to the meeting with the Senior Director, Student Affairs and Services, or designate. The representative is intended to provide personal support. The Senior Director, Student Affairs and Services, or designate may discuss with the respondent the sanctions or remedies that could result from a finding that the respondent has violated the Code.
4. If a student does not respond to the Senior Director, Student Affairs and Services, or designate, or refuses to meet with the Senior Director, Student Affairs and Services, or designate, the Senior Director, Student Affairs and Services, or designate may complete the investigation and assessment of the complaint and impose remedies, as appropriate, without any input from the respondent.
5. Meetings with the complainant, respondent, witnesses, and others should occur in person; however, accommodations can be made to have a person appear using various technologies if

circumstances require. The Senior Director, Student Affairs and Services, or designate will assess if a request for accommodation is appropriate.

#### **E. 4. Interim Measures**

1. The Senior Director, Student Affairs and Services, or designate will determine if temporary measures are required to protect the safety and security of a student(s), complainant, respondent, members of the University community, or University property. In determining whether to impose interim measures and the most appropriate interim measure, Senior Director, Student Affairs and Services, or designate will consult applicable University employees and consider all relevant and necessary information including the nature of the allegations, prior non-academic conduct involving the respondent, and any other circumstances.
2. Interim measures may be imposed when:
  - a. Needed to ensure the safety and wellbeing of the complainant, respondent, or other members of the University community or for the preservation of University property;
  - b. The respondent's presence on campus could lead to a breach of court-imposed restrictions (e.g. release or probation conditions or a peace bond including an order for no-contact) or where the University is unable to reasonably accommodate the conditions;
  - c. There is a reasonable apprehension that the respondent poses a threat of disruption or of interference with the normal operations of the University; or
  - d. Needed to ensure the respondent's own physical safety.
3. Where interim measures are imposed, they must be proportionate to the seriousness of the alleged act under this Code and as minimally restrictive upon the respondent as possible to achieve their purpose. Interim measures are temporary in nature and are typically only in effect until an investigation or hearing has been completed. The decision to use interim measures does not imply a finding of responsibility under the Code.
4. Where interim measures are required, the Senior Director, Student Affairs and Services, or designate will give written notice to the respondent including a summary of the facts giving rise to the decision, of any interim measures being imposed, as well as the specific conditions to a respondent's return to campus if applicable.
5. Interim measures may include, but are not limited to:
  - a. Restricted access to University property (includes classes, buildings, or residence);
  - b. No-contact directives;
  - c. Adjusted class schedules;
  - d. Voluntary withdrawal;
  - e. Temporary Suspension;
  - f. Banning from campus (includes all University buildings or property); and/or
  - g. Restrictions on any other University activities or privileges for which the respondent might otherwise be eligible, as the University may deem to be appropriate.
6. Individuals affected by interim measures may request, in writing, a review of the interim measures at the following times:

- a. When there has been a change in the status of court conditions or criminal charges (e.g. charges amended/dropped, release conditions amended);
  - b. Following the completion of a University approved violence risk assessment completed internally or externally; or
  - c. When the student has additional or new information relevant to the decision to impose interim measures.
7. Requests for reviews of interim measures must be submitted to the Senior Director, Student Affairs and Services, or designate (but will not be the same person who determined to apply interim measures) and include the interim measure to be reviewed, the impact of the measure on the respondent, and the reason from section E.4.6. for the review.
  8. The Senior Director, Student Affairs and Services, or designate will review all information provided by the respondent and any other information deemed relevant from internal or external sources and will provide a decision in writing within ten (10) working days.

### **E.5. Informal Resolution**

1. Whenever appropriate, the Senior Director, Student Affairs and Services, or designate will pursue an agreed upon resolution by consulting with the complainant and respondent to determine if the behaviour and/or the issues in dispute can be resolved by those most closely involved. The purpose of this approach is to find an outcome that repairs the harm and typically happens through negotiated conversations that are intended to generate mutual understanding.
2. Informal resolutions may include, but are not limited to, sanctions listed in Section F. of the Code. Options may also include providing advice, conflict coaching, conciliation, mediation, and arranging a meeting between the complainant and respondent.
3. Informal resolutions must be agreed upon by all parties. These may include:
  - a. Developing and agreeing to a set of expectations that ensure everyone has a fair opportunity to participate and is respected in the process;
  - b. Working together to define the topics that will be discussed, and possibly some topics that are too sensitive to explore;
  - c. Deciding on how the process will unfold, including steps, who to involve, when and where it will take place, and appropriate forms of communication; and/or
  - d. Agreeing to outcomes that satisfy those who have been impacted.
4. The respondent may choose to undertake a process that acknowledges how others have been impacted, without admitting culpability. This could include acknowledging the impact of the situation, and proposing strategies to mitigate the impact and avoid further escalation of the situation.
5. The matter will be deemed to be resolved when the process comes to a natural conclusion, the outcomes have been adequately fulfilled, and/or all parties agree that the file can be closed.
6. At any point in this process either the complainant or the respondent may choose to request a formal adjudicated process.

7. While many circumstances may affect informal resolution, the matter will normally proceed to the formal adjudicated process if:
  - a. Either party does not respond to a notice for an informal resolution meeting;
  - b. A resolution is not reached;
  - c. A resolution is reached, but the respondent does not comply with the resolution within the specified time period; or
  - d. A resolution is reached, the respondent completes the remedy, but continues to engage in the concerning behaviour.

#### **E.6. Single-Adjudicator Hearing**

1. Cases not likely to result in suspension or expulsion as an outcome will be heard by the Senior Director, Student Affairs and Services, or designate.
2. Following the notification and initial meetings with the complainant and respondent outlined in Section E.3., the Senior Director, Student Affairs and Services, or designate will determine if more information is required to make a determination. Typically, if the respondent has acknowledged responsibility for the behaviour alleged in the complaint, further investigation will not be required unless to acquire information to determine appropriate sanctions.
3. For the purposes of completing the investigation and assessment of the complaint, the Senior Director, Student Affairs and Services, or designate may conduct as many meetings as are needed with the people affected or those who may be knowledgeable about the situation being investigated. The Senior Director, Student Affairs and Services, or designate will complete the investigation as soon as possible, normally within forty (40) working days. However, if circumstances are such that additional time is needed, the Senior Director, Student Affairs and Services, or designate will advise the respondent and the person who raised the complaint accordingly. The Senior Director, Student Affairs and Services, or designate shall provide the respondent with an opportunity to know and respond to all relevant information obtained during the investigation.
4. If the Senior Director, Student Affairs and Services, or designate decides that the respondent has not violated the Code, the Senior Director, Student Affairs and Services, or designate shall provide the decision to the complainant and respondent. The decision shall contain:
  1. A brief summary of the information provided by the complainant and respondent;
  2. A brief summary of any other relevant information collected by the Senior Director, Student Affairs and Services, or designate; and
  3. Reasons explaining the Senior Director, Student Affairs and Services, or designate decision.
5. If the Senior Director, Student Affairs and Services, or designate decides that the respondent has violated the Code and that it is appropriate for the Senior Director, Student Affairs and Services, or designate to impose one or more penalties or remedies contained in Section F. of the Code, the Senior Director, Student Affairs and Services, or designate shall provide their decision to both the complainant and respondent. The decision shall contain:
  1. A brief summary of the information provided by the complainant and the respondent;
  2. A brief summary of any other relevant information collected by the Senior Director, Student Affairs and Services, or designate during the investigation;
  3. Reasons explaining the decision of the Senior Director, Student Affairs and Services, or designate;

4. The sanctions that the Senior Director, Student Affairs and Services, or designate impose under Section F. of the Code, the deadline for complying and whatever consequences for non-compliance are appropriate in the circumstances; and
  5. An explanation of the process for appealing all or part of the decision.
6. If a common decision letter would disclose personal information of either party, the Senior Director, Student Affairs and Services, or designate will send separate, confidential letters to each party.

#### **E.7. Adjudication Panel Hearing**

1. Cases of sufficient severity that have the potential to result in suspension or expulsion as an outcome will be referred to the Adjudication Panel. The Adjudication Panel is composed of the following:
  - a. The Chair of the Senate Student Discipline Committee (Adjudication Panel Chair);
  - b. One member of the Administrative Staff of the University appointed by the President of the University;
  - c. One student chosen by the Saint Mary's University Students' Association in consultation with the Senior Director, Student Affairs and Services, or designate; and
  - d. Senior Director, Student Affairs and Services, or designate (non-voting).
2. Prior to the formal hearing, the respondent will be given a copy of the complaint and will provide a written response, which will then be given to the complainant. The complainant may then provide a further response. Both responses may contain witness statements if applicable.
3. The typical timeline for the Adjudication Panel process will be as follows:
  - a. Complaint is reviewed by the Adjudication Panel within ten (10) working days of the complaint being received.
  - b. Respondent is provided with the complaint and asked to provide a written response within five (5) working days.
  - c. Complainant is provided with the response and given the opportunity to provide a further response within five (5) working days.
  - d. The Adjudication Panel will hold a hearing on the case within fifteen (15) working days of the responses to the complaint being received.
  - e. If new evidence is presented at the hearing the Panel may choose to postpone for further time for all parties to consider it.
  - f. Decision is rendered and provided to the complainant and respondent within ten (10) working days of the hearing.
  - g. Any part of the timeline can be extended under serious extenuating circumstances, or due to circumstances outside the Panel's control (e.g. winter break).
4. At the formal hearing the respondent has the right to present evidence and witnesses on their behalf and to question any witness or evidence presented against them. At the discretion of the Adjudication Panel, all individuals at the hearing may be asked to direct their statements to the Panel rather than to the respondent, complainant, or witnesses. The complainant may submit a request for accommodation to the Chair of the Adjudication Panel in order to not appear in the same physical space as the respondent.
5. The respondent and complainant each have the right to have a representative with them during the process.

6. The formal hearing process will be moderated by the Chair, who has the right to intervene if the proceedings cease to be respectful. In addition, either the complainant or the respondent may ask the Chair to intervene if they feel unsafe during the proceedings. Similarly, participant behaviour during the hearing may have an effect on the Panel's evaluation of the case.
7. Subject to the requirements in this Code, the Adjudication Panel shall determine its own procedures and practices. The Chair may, in consultation with the Senior Director, Student Affairs and Services or designate, make such rules and orders as deemed necessary and proper to ensure an expeditious and procedurally fair proceeding. These procedures shall be made available to parties upon request.
8. The decision of the Adjudication Panel will be communicated in writing to both the respondent and complainant. This will include:
  1. A brief summary of the information provided by the complainant and the respondent;
  2. A brief summary of any other relevant information provided during the hearing;
  3. Reasons explaining the Panel's decision;
  4. The sanctions that the Panel are imposing (if any) under Section F. of the Code, the deadline for complying and whatever consequences for non-compliance are appropriate in the circumstances; and
  5. An explanation of the process for appealing all or part of the decision.
9. If a common decision letter would disclose personal information of either party, the Chair will send separate, confidential versions of the letter to each party.
10. Either the respondent or the complainant has the right to appeal the decision of the Adjudication Panel.

## **F. Remedies and Sanctions**

1. The following sanctions may be imposed for a breach of the Code or for failure of a respondent to comply with the remedies and sanctions assigned under the Code as result of the breach. More than one sanction may be imposed concurrently for a single breach and/or failure to comply.
2. When determining sanctions, the full context will be considered, including elements such as but not limited to, the severity of the offences, the harm caused, pattern of behaviour, and whether the respondent has been found responsible for prior breaches of the Code.
3. Sanctions include, but are not limited to:
  - a. Written Warning – A notice in writing to the respondent that they have breached the Code.
  - b. Apology Letter – An expression of regret by the respondent for the action that constituted an offence in a form satisfactory to the issuer of the letter.
  - c. Letter of Behavioural Expectations – A written directive to the respondent to not engage in certain behaviours, setting out the consequences if the letter is not followed and, in some cases, stipulating a range of actions to be taken (e.g. no-contact directives, seeking counselling, a psychiatric assessment, meetings with University support offices, attending services off campus).

- d. Educational Initiatives – Participation in activities that help the respondent to demonstrate they have achieved meaningful learning on issues related to the actions that constituted the offence (e.g. participation in a training workshop or community event, reflective papers, research papers, interviewing an expert, completing online modules, etc.).
  - e. Community Service – Participation in a project, activity or on-going commitment where the respondent volunteers their time to improve the well-being of other students or members of the community more generally (e.g. creating an awareness campaign, organizing a community event, volunteering with a relevant community service organization).
  - f. Restriction or Denial of University Services or Privileges – Removal of, prohibition of, or limitations on specific access to or use of University services and premises for a designated period of time.
  - g. Fines – A non-refundable monetary consequence as a result of violating the Code.
  - h. Restitution – Compensation for loss, damages, or injury in the form of monetary or material replacement.
  - i. Probation – A written reprimand for action that constituted an offence. Probation is for a designated period of time. Further violations of the prohibited conduct as outlined in the Code may result in additional sanctions up to and including suspension or expulsion. Periodic probationary meetings may be required.
  - j. Suspension – A removal of a student from their academic program for a designated period of time. This may include shorter term suspension or longer term suspension which may extend beyond an academic year. During the suspension, a student may not attend classes (either in person or online), or participate in University-related activities, whether they occur on or off campus, unless otherwise specified. Additionally, a student on suspension may not be present on University premises unless authorized in writing in advance under conditions approved by the Senior Director, Student Affairs and Services, or designate.
  - k. Expulsion – Permanent removal of the student from the University. Students who are expelled are not permitted on University premises unless authorized in writing in advance under conditions approved by the Senior Director, Student Affairs and Services, or designate. Expulsion shall be permanently noted on a student’s academic record and official transcript.
4. Sanctions of Suspension and Expulsion can only be imposed by the Adjudication Panel. The University Vice-President Academic and Research will also be apprised of any decision to suspend or expel a student and may choose to review the case.
  5. The respondent is responsible for ensuring sanctions are completed by a set time. When a respondent does not abide by the sanctions imposed, including violating a letter of behaviour expectations, it is within the power and discretion of the Senior Director, Student Affairs and Services, or designate to reconsider outcomes, impose new or additional outcomes, or refer the matter to the Adjudication Panel.

## **G. Appeals**

1. Appeals can be filed by either the respondent or the complainant. A written summary of the appeal, including the stated grounds, can be filed with the Chair of Senate or designate.

2. Legitimate grounds for appeals include the following:
  - a. A significant error where the procedures outlined in this Code were not followed correctly;
  - b. Clear evidence of a significant conflict of interest on the part of a decision-maker;
  - c. The outcome is disproportionate with the precipitating incident(s); and/or
  - d. Significant new evidence that was not available at the time of the decision, which has the potential to change the outcome of the case.
3. Whether the grounds for an appeal exists will be determined by the Chair of Senate or designate (any designate must not have been involved in the case to this point).
4. If there are grounds for an appeal, the case will be reviewed by the Chair of Senate or designate who will meet as necessary with the Senior Director, Student Affairs and Services or designate/Adjudication Panel, respondent, complainant and others (e.g. witnesses) as necessary to determine the validity of the appeal.
5. If the appeal is on the basis of a significant error, new information or conflict of interest, then the entire case will be considered again by a new Adjudication Panel constituted for the purposes of the appeal. The Adjudication Panel for appeals is composed of the following:
  - a. One designated faculty member appointed by Senate (Adjudication Panel Chair);
  - b. One member of the Administrative Staff of the University appointed by the President of the University;
  - c. One student chosen by the Saint Mary's University Students' Association in consultation with the Senior Director, Student Affairs and Services, or designate; and
  - d. A senior member of Student Affairs and Services, or designate (non-voting).
6. If the appeal is on the basis of a disproportionate outcome, then only the impact of the incident, and mitigating or exacerbating factors need be considered by the Chair of Senate or their designate.
7. Results of an appeal may be:
  - a. Upholding the original decision;
  - b. Modifying the original decision by either increasing or decreasing the outcomes; or
  - c. Overturning the original decision with no further consequences.
8. All decisions of the appeals process are considered final.

#### **H. Code Reporting**

The Senior Director, Student Affairs and Services shall report annually to Senate regarding the number of and nature of all complaints, including the manner in which they are disposed of or resolved.