

Code of Student Conduct

(Replacing the Code of Disciplinary Procedures for Students)

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CODE OF STUDENT CONDUCT

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CODE OF STUDENT CONDUCT

1.0 PREFACE

Memorial University of Newfoundland enjoys a great sense of community where excellence in teaching, research and community service can be practiced. The University prides itself in the encouragement of academic and personal growth within a community dedicated to freedom of expression and the rights of individuals. Members of the Memorial University community are committed to upholding the highest standards of honesty, trust, respect, fairness and responsibility in all that they do. Students enjoy the rights and privileges and share in the responsibilities associated with being a Student. The objectives of the university are the pursuit of learning through scholarship, teaching and research within a spirit of free enquiry and expression. The university recognizes academic freedom and the right to free speech, creative expression and peaceful protest, acknowledging that the common good of society depends upon the search for knowledge and its free expression.

1.2 Within the University community there is a collective responsibility to maintain a high level of scholarly integrity. Students are expected to adhere to those principles which constitute proper academic conduct. Academic Misconduct is not covered by this Code. Students should refer to the University Calendar for the procedures relating to “Academic Misconduct”.

1.3 The University, recognizing the unique living arrangements offered to students in University housing, has developed specific procedures to ensure orderly conduct and respect for the rights of others living in University housing. The procedures are outlined in this Code.

1.4 Complaints concerning sexual harassment are not covered by this Code. Students are also subject to the “University-Wide Procedures for Sexual Harassment Complaints”.

1.5 Members of the University community are also subject to the wider criminal and civil laws which govern their lives generally. While breaches of the Criminal Code or other statutes, or activities which give rise to a civil claim would ordinarily be dealt with in other venues, where it is appropriate proceedings may also be brought under this Code in respect of the same events.

1.6 The University will indemnify and save harmless any complainant, hearing officer, complaints officer, investigations officer, hearing panel member or appeal committee member from any claim or suit arising from their participation in proceedings under this code provided they acted in good faith.

2.0 DEFINITIONS

In this document, unless the context otherwise requires

2.1 “Student” means

(a) a person registered by the University to take courses, both full-time and part-time, pursuing undergraduate, graduate, or professional studies towards a degree, diploma or certificate;

(b) a person who resides in University housing;

(c) a person who is entitled to a valid student card who may be between sessions, but who is entitled because of student status to use University facilities;

2.2 ‘Accused Student’ means any student who has allegedly violated this Code and has had proceedings initiated against him or her under this Code

2.3 ‘Appeals Committee’ means the committee established in accordance with section 8.2 to hear appeals from a Decision;

2.4 ‘Campus’ means any one of the St. John’s campus, the Marine Institute campus, the Sir Wilfred Grenfell College campus and the Harlow Campus;

2.5 ‘CEP’ means campus enforcement and patrol officers, employees of Campus Enforcement and Patrol division of the University;

2.6 ‘Code’ means this Code of Student Conduct and all rules and regulations contained herein or incorporated by reference;

2.7 ‘Complainant’ is defined as any person who has initiated proceedings under this Code;

2.8 ‘Complaints Officer’ means the person or persons appointed under section 6.3 to ascertain if a Complaint can be resolved in an informal manner;

2.9 ‘Complaint’ means an allegation of an Offence under this Code by a Complainant against an Accused Student;

2.10 ‘Coordinator’ means the Coordinator of Student Services at the Sir Wilfred Grenfell College Campus or delegate;

2.11 ‘Day’ means Monday to Friday exclusive of holidays as set out in the University Calendar;

2.12 ‘Dean’ means the Dean of Student Affairs or delegate;

2.13 ‘Decision’ means the written findings after the hearing of a Complaint or an Appeal which may or may not include a Sanction;

2.14 'Director of Housing' means the Director of Housing, Food and Conference Services, St. John's, Manager of Student Housing, Sir Wilfred Grenfell College, General Manager, Harlow, or their respective delegate;

2.15 'Executive Director' means the Executive Director of the Marine Institute or delegate;

2.16 'Head of the Campus' means the Dean, the Principal, the Executive Director or the Head of Harlow Campus as appropriate;

2.17 'Head of Harlow Campus' means the senior administrative officer at the Harlow Campus or delegate;

2.18 'Hearing Officer' means the person or persons appointed under section 6.1.2 to hear a Complaint;

2.19 'Housing' means the students' residences of the University including Paton College, Burton's Pond housing, including the court apartments; Sir Wilfred Grenfell College residences and chalets; and Harlow Campus residences;

2.20 'Housing Regulations' means the respective rules and regulations of Paton College, Burton's Pond Apartments and Sir Wilfred Grenfell College residence and chalets, as set out in the respective house handbooks or otherwise;

2.21 'Housing Sanctions' mean one or more penalties set out in section 10.21 of this Code;

2.22 'Investigation Officer' means the person or persons who are appointed under section 6.1.1 to carry out an investigation of a Complaint;

2.23 'Member of the University community' means a student, employee, faculty member or visitor to the University;

2.24 'Offence' is defined as an action which constitutes a breach of this Code and which is designated an Offence under this Code;

2.25 'President' means the President of the University or delegate;

2.26 'Principal' means the Principal of Sir Wilfred Grenfell College or delegate;

2.27 'Vice-Principal' means the Vice-Principal of Sir Wilfred Grenfell College or delegate;

2.28 'Sanctions' means one or more penalties set out in this Code, and where the context permits, may include Housing Sanctions;

2.29 'Union President' means, as appropriate, the President of Memorial University of Newfoundland Student's Union, or President of Graduate Student's Union, or President of Sir Wilfred Grenfell College Student Union or President of Marine Institute Student's Union, or the respective delegate;

2.30 'University' means Memorial University of Newfoundland, including Sir Wilfred Grenfell College, Marine Institute, Harlow Campus, the Aquarena, the Field House and University recreational facilities operated by Memorial University Recreation Complex Incorporated, and any institutions affiliated or federated with the University.

3.0 DELEGATION OF AUTHORITY

3.1 The Memorial University of Newfoundland Act charges the Board of Regents, through the President, with responsibility for good order and discipline of the University and nothing therefore shall limit the power of the Board of Regents, through the President, to exercise its authority in an emergency, or in the context of order and discipline, to take such action as it may deem necessary for the general welfare of the University and Members of the University community. Whenever the Board of Regents finds it necessary to act unilaterally, it shall, as soon as practical thereafter, inform the Senate of the action taken and of the circumstances giving rise to such action.

3.2 Inasmuch as all Members of the University community, whether on or off campus, are subject equally to the civil and criminal laws, they are also entitled to the protection afforded by and under those laws. Thus, the appropriate police authorities may be called to the University whenever circumstances warrant such action. It is the policy of the University to assist and co-operate fully with external policing agencies.

3.3 The Dean is designated by the President with the overall responsibility for the administration of the Code throughout the University. The Head of Campus is authorized to administer the Code on the respective Campus.

4.0 EXPULSION OR SUSPENSION WITHOUT NOTICE

The University shall have the right to expel or suspend a student without prior notification, but only in the case where the behavior of the student is considered by the President to constitute a danger to persons or property or to be hindering a Member of the University community from enjoying rights or pursuing activities within the University.

5.0 OFFENCES

5.1 This Code governs a wide range of conduct which the University considers unacceptable. However, student conduct may also be subject to sanction pursuant to other provisions which govern student activities at the University, such as use of computers and participation in athletics and, in principle, such activities may also be considered an offence and, in the appropriate circumstances, may be dealt with under other University policies and regulations specific to that conduct.

5.2 If a student is subject to criminal or civil action, where the conduct giving rise to such action amounts to a grave misconduct which demonstrates flagrant disregard for the University community, the University may initiate an investigation under this Code in respect of such conduct without regard to the pending criminal or civil action.

5.3 The following shall constitute conduct that shall be deemed to be an Offence under this Code for which a Sanction may result:

a. Offences Against Persons include, but are not limited to

5.3.1 assaulting another person sexually or threatening any other person with sexual assault;

5.3.2 assaulting another person, threatening any other person with bodily harm, or knowingly causing any other person to fear bodily harm;

5.3.3 creating a condition that unnecessarily endangers the health or safety of other persons;

5.3.4 threatening any other person with damage to such person's property, or causing any other person to fear damage to her or his property;

5.3.5 engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome and is directed at one or more specific individuals, and

(i) that is based on the race, ancestry, place of origin, colour, ethnic origin, citizenship, sex, sexual orientation, creed, age, marital status, family status, handicap, receipt of public assistance or record of offences of that individual or those individuals, and

(ii) that exceeds the bounds of freedom of expression or academic freedom as these are understood in University policies and accepted practices, including but

not restricted to, those explicitly adopted by the University.

[Note: Vexatious comment or conduct that is based on sex or sexual orientation is considered an offence under the University - Wide Procedures for Sexual Harassment Complaints. If the Sexual Harassment Advisor believes, after consultation with relevant parties, that a complaint based on sex or sexual orientation would be better handled under this Code, the Sexual Harassment Advisor may refer the matter to the appropriate Complaints Officer.]

5.3.6 (i) engaging in the conduct described in subsection (ii) below, whether on the premises of the University or away from the premises of the University, which causes another person or persons to fear for her or his safety or the safety of another person known to her or him while on the premises of the University or in the course of activities sponsored by the University or by any of its faculties, schools, departments or divisions, clubs or societies, or causing another person or persons to be impeded in exercising the freedom to participate reasonably in the programs of the University and in activities in or on the University's premises, knowing that her or his conduct will cause such fear, or acting recklessly as to whether such conduct causes such fear;

(ii) the conduct mentioned in subsection 5.3.6(i) includes, but is not limited to:

(a) repeatedly following from place to place the other person or anyone known to that person;

(b) repeatedly and persistently communicating with, either directly or indirectly, the other person or anyone known to that person;

(c) besetting or repeatedly watching the dwelling house, or place where the other person, or anyone known to that person, resides, works, carries on business or happens to be; or

(d) engaging in threatening conduct directed at the other person or any member of the family, friends or colleagues of the other person;

b. Offences Involving Property include, but are not limited to

5.3.7 without just cause knowingly entering or remaining in or on any premises contrary to the expressed instruction of a person or persons authorized to give such instruction;

5.3.8 taking, destroying or damaging University premises;

5.3.9 taking, destroying or damaging any physical property that is not her or his own;

5.3.10 destroying or damaging information or intellectual property belonging to

the University or to any of the Members of the University community;

5.3.11 in any manner whatsoever defacing the inside or outside of any part of the University premises;

5.3.12 possessing effects or property of the University, knowing the effects or property to have been appropriated without authorization;

5.3.13 possessing any property that is not her or his own, knowing the effects or property to have been appropriated without authorization;

5.3.14 creating a condition that unnecessarily endangers or threatens destruction of the property of the University or of any of the Members of the University community;

c. Other Offences include, but are not limited to

5.3.15 using any facility, equipment or service of the University contrary to the expressed instruction of a person or persons authorized to give such instruction, or without just cause;

5.3.16 gaining access to or using any University computing or internal or external communications facility to which legitimate authorization has not been granted or using any such facility for any commercial, disruptive or unauthorized purpose;

5.3.17 deliberately mutilating, misplacing, misfiling, or rendering inoperable any stored information such as books, film, data files or programs from a library, computer or other information storage, processing or retrieval system;

5.3.18 infringing in an unreasonable manner on the rights of Members of the University community to engage in scholarly work or studies;

5.3.19 bringing false or malicious charges against any Member of the University community;

5.3.20 acting, threatening or otherwise causing a disturbance that the student knows obstructs any activity organized by the University or by any of its faculties, schools, departments or divisions, clubs or societies, or the right of a Member of the University community to carry on her or his legitimate activities, to speak or to associate with others;

[Note: Peaceful assemblies, demonstrations, picketing or other activity outside a class or meeting that do not substantially interfere with the communication inside, or impede access to the meeting or class, is an acceptable expression of free speech or dissent. And silent or symbolic protest is not to be considered a disruption under this Code. But noise that obstructs the conduct of a meeting or

class, or forcible blocking access to an activity, constitutes disruption under this Code.]

5.3.21 counseling, procuring, conspiring with or aiding a person in the commission of an Offence defined in this Code;

5.3.22 contravening the provisions of the Criminal Code or any federal, provincial or municipal legislation for which an Offence is created;

5.3.23 refusing to comply with a Sanction or Sanctions imposed under the provisions of this Code;

5.3.24 being drunk or disorderly on University premises or at a University sponsored event or using, possessing or distributing alcoholic beverages or other controlled substances, except as permitted by law;

5.3.25 using or possessing firearms, explosives, explosive devices, other weapons or dangerous chemicals, except as expressly permitted by law;

5.3.26 refusing to produce identification when asked by CEP, a University official or a residence staff member in the normal course of their duties;

5.3.27 violating any University policies, rules or regulations.

5.4 Offences arising from activities which occur other than on the University premises may be dealt with under this Code where such activities adversely affect the interests of the University community. The Head of the Campus where the student is registered shall determine whether, in respect of such activities, a Complaint shall be referred in the first instance to an Investigation Officer.

6.0 PROCEDURES

6.1 General

6.1.1 While the Dean has overall responsibility within the University for the administration of this Code, each Head of the Campus will appoint from within the respective Campus one or more Investigation Officers, for a term of up to three years, who shall carry out investigations of Complaints against Accused Students of that Campus.

6.1.2 Each Head of the Campus, in consultation with the President, will appoint from within the respective Campus, one or more Hearing Officers, for a term up to three years, to present Complaints at hearings under this Code.

6.1.3 The jurisdiction of an Investigation Officer and a Hearing Officer is only with

respect to Complaints arising against Accused Students of the same Campus from which she or he was appointed.

6.1.4 Where the Head of the Campus has reason to believe that an Offence has been committed by a group of Accused Students which includes Accused Students from another Campus, the Heads of the Campus concerned shall consult with each other to determine whether the cases will be investigated jointly by the Investigation Officers from the Campuses concerned or whether the cases will be heard together by one of the Campuses agreed upon by the Heads of the Campuses concerned.

6.1.5 A Complaints Officer, an Investigation Officer and a Hearing Officer may be a student, staff member or faculty member of the Campus from which Campus the appointment is made.

6.1.6 Whenever possible and appropriate, informal resolution and mediation as provided for in section 6.3 shall be used to resolve issues of individual behaviour before resorting to a formal investigation or hearing.

6.1.7 Where procedures have been instituted under the Housing Regulations under this Code, those procedures shall apply as appropriate.

6.2 Complaints

6.2.1 A Complaint may be made by a Complainant against any student who is believed to have committed an Offence under this Code. The Complaint shall be made in writing and be directed to the Head of the Campus where the Accused Student is registered.

6.2.2 The President or a Head of a Campus may initiate a Complaint where there is reason to believe that a student has committed an Offence under this Code.

6.3 Informal Resolution Process

6.3.1 Whenever possible and appropriate, informal resolution and mediation shall be used to resolve issues of individual behaviour before resorting to a formal investigation or hearing.

6.3.2 Upon receipt of a Complaint the Head of Campus may dismiss the complaint for being trivial, frivolous, vexatious, or made in bad faith. If the Head of the Campus determines the Complaint is appropriate for an informal resolution process, it shall be forwarded to the Complaints Officer designated by the Head of the Campus.

6.3.3. Upon receipt of a Complaint by the Complaints Officer, the Complaints Officer shall contact the Accused Student and the Complainant and attempt to

resolve the Complaint to the satisfaction of the parties concerned.

6.3.4 In reaching a mutually agreeable resolution of the Complaint, the Complaints Officer may impose one or more Sanctions set out in sections 7.3.1 to 7.3.6 or recommend the Sanctions set out in section 7.3.7 to 7.3.9.

6.4 Investigation

6.4.1 A Complaint which has not been resolved by an informal resolution process shall be in writing and shall be referred by the Head of the Campus to an Investigation Officer who shall conduct an investigation to determine if the Complaint has merit.

6.4.2 An Investigation Officer shall attempt to complete an investigation within 15 Days of receipt of the Complaint, unless the time for the investigation has been extended by the Head of the Campus.

6.4.3 Upon completion of the investigation, the Investigation Officer shall provide a written report to the Head of the Campus. The Head of the Campus shall determine, on the basis of the report, whether to proceed to a hearing of the Complaint, in which case a copy of the written report shall be sent to the panel hearing the Complaint.

6.5 Hearing

6.5.1 The panel hearing a Complaint shall be composed of three members as follows: an employee of the University, who will act as chair, and two students who are selected by the Hearing Officer from a pool of students appointed by the Head of Campus, in consultation with the Union President, at the beginning of the academic year for that academic year. The case will be presented by the Hearing Officer, who may be assisted and represented by legal counsel. The Accused Student may be assisted and represented by another person, who may be legal counsel. A hearing may proceed, at the discretion of the chair, in the absence of the Accused Student.

6.5.2 The following guidelines shall govern the hearing:

(i) the hearing shall be conducted in private unless there is agreement otherwise among, the Accused Student and the Hearing Officer;

(ii) admission of other persons to the hearing shall be at the discretion of the chair;

(iii) , the Accused Student, and the Hearing Officer shall be entitled to present witnesses subject to the right to cross-examination each other's witness;

(iv) the chair shall have the discretion to accept pertinent records, exhibits and

written statements as evidence for consideration at the hearing;

(v) procedural questions concerning the conduct of the hearing are at the discretion of the chair unless they are prescribed under this Code;

(vi) where matters are put to a vote by members of the hearing panel, each member of the hearing panel shall have one vote.

6.5.3 The hearing panel shall render a written Decision within 10 days after the hearing and provide a copy of it to the Accused Student, the Complainant and the respective Head of the Campus. The Decision shall state whether the Accused Student has committed each Offence the Accused Student is alleged to have committed, together with any Sanctions to be imposed under section 7.0.

6.6 Urgent Situations and Interim Conditions

6.6.1 In those cases where the allegations of behaviour are serious and, if proven, could constitute a significant personal safety threat to other Members of the University community, the Head of the Campus is authorized to impose interim conditions that balance the need of the Complainant for safety with the requirement of fairness to the Accused Student. The interim conditions are in no way to be construed as indicative of guilt, and shall remain in place until the Complaint is disposed of under this Code.

6.6.2 In some circumstances, such as those involving serious threats or violent behaviour, it may be necessary to remove the Accused Student from the University. Where the Head of the Campus has requested an investigation by the Investigation Officer and the investigation is pending, the Head of Campus may suspend, or relocate to another residence, the Accused Student or Accused Students temporarily for up to 10 Days if, in the opinion of the Head of Campus, there is reasonable apprehension that the safety of others is endangered, damage to University property is likely to occur, or the continued presence of the Accused Student would be disruptive to the operations of the University. The Accused Student shall be informed immediately in writing of the reasons for the suspension and shall be afforded the opportunity to respond. Any such temporary suspension must be reviewed by the Head of Campus within the temporary suspension period, following a preliminary investigation, and either revoked or continued. If the suspension is continued, the Accused Student may appeal to the President (or delegate), who shall review and decide on the appeal within 3 Days.

7.0 SANCTIONS

7.1 The Sanctions provided for in this Code, or combinations of them, may be imposed on Accused Students found to have committed an Offence under this Code.

7.2 In determining the Sanctions to be imposed, consideration may be given to an Accused Student's previous conduct which was the subject of a Complaint under this Code. A record of Sanctions imposed on an Accused Student will be maintained by the Head of Campus in accordance with Appendix I. Where an Accused Student is subsequently found not to be responsible for the alleged Offence, the relevant record will be deleted.

7.3 The following Sanctions may be imposed on an Accused Student who has been found to have violated this Code:

7.3.1 Reprimand

Notice in writing that the Accused Student has violated the Code and that continuation or repetition of the conduct found wrongful, within a period of time stated, may be cause for further Sanctions, up to and including expulsion.

7.3.2 Probation

Written reprimand for violation of the Code, including notification of the possibility of a further Sanction, up to and including expulsion in the event the Accused Student is found to have violated the Code during the probationary period within a period of time stated in the letter of reprimand.

7.3.3 Restitution

Compensation for loss, damage or injury which may take the form of appropriate services and/or monetary or material replacement.

7.3.4 Service

Requirement to provide public service work, not exceeding 25 hours, within the University or within the community where the Accused Student resides.

7.3.5 Fine

Imposition of a monetary fine or bond commensurate with the Offence not to exceed \$500.00.

7.3.6 Loss of Privileges

Loss of privileges for a designated period of time. The conditions of reinstatement of privileges may be specified.

7.3.7 Exclusion

Recommendation to the Head of Campus for the exclusion of the Accused Student from a particular part of the University's premises for a specific period of time. Conditions for regaining inclusion may be specified. This may include suspension of the Accused Student from registration in any course or program at the University for a period specified.

7.3.8 Suspension

Recommendation to the President for the separation of the Accused Student from the University for a definite period. The conditions for re-admission may be specified.

7.3.9 Expulsion

Recommendation to the President for the expulsion of the Accused Student from the University for a definite or indefinite period.

7.4 Where a Sanction set out in section 7.3.8 or 7.3.9 is recommended, the President shall, within 3 Days confirm or deny the recommended Sanction. In the event that any such Sanction is so confirmed, the Accused Student may appeal the Decision as confirmed by the President ("President's Decision") in accordance with section 8.0.

7.5 Where a Sanction set out in section 7.3.7, 7.3.8 or 7.3.9 has been imposed, and upheld on any appeal, the University shall have the power to record the Sanction on the Accused Student's record and to disclose the content of the Accused Student's record as permitted by law.

8.0 APPEALS

8.1 This appeals section only applies to the President's Decisions pursuant to Section 7.4.

8.2 At the beginning of each academic year, the President, in consultation with the respective Head of the Campus and the Union President, shall appoint an Appeals Committee. Each Appeals Committee shall consist of 5 students together with an employee of the University who will act as chair. The President, in consultation with the respective Head of the Campus may appoint additional members if for some reason any member of the Appeals Committee is unable to serve.

8.2.1 The term of the Appeals Committee shall be one academic year. Members

of the Appeals Committee shall be eligible for reappointment.

8.2.2 Three members of the Appeals Committee shall constitute a quorum for a panel to hear an appeal.

8.2.3 If a member of the panel to hear the appeal is deemed by the President to be in a conflict of interest, a new member may be chosen in accordance with Section 8.2.

8.3 An appeal by the Accused Student shall be made within 5 Days of the release of the President's Decision. No Sanction shall be stayed pending the appeal of the President's Decision unless a request is made in writing to the Head of Campus, who shall have the discretion whether a stay shall be granted.

8.4 An appeal shall be in writing and shall set out clearly the reasons for the appeal.

8.5 Appeals Committee

8.5.1 An appeal referred by the Accused Student to the Appeals Committee through the Head of the Campus shall be limited to a review of the record of the hearing and supporting documents for one or more of the following purposes:

(i) To determine whether the hearing was conducted fairly in light of the Complaint and evidence presented, and in conformity with prescribed procedures giving the Complainant a reasonable opportunity to prepare and present evidence that the Code was violated, and giving the Accused Student a reasonable opportunity to prepare and to present a rebuttal of those allegations.

(ii) To determine whether the President's Decision was based on substantial evidence, that is, whether the facts in the case were sufficient to establish that a violation of the Code occurred.

(iii) To determine whether the Sanction(s) imposed were appropriate for the violation of the Code which the Accused Student was found to have committed, and if not to substitute or alter the Sanction(s).

(iv) To consider new evidence, sufficient to alter the President's Decision or other relevant facts not brought out in the hearing because such evidence and/or facts were not known at the time of the hearing.

8.5.2 Upon receipt of an appeal to be dealt with by the Appeals Committee, the copy of the appeal shall be forwarded to the panel appointed to hear the appeal and the Accused Student and the Complainant as appropriate.

8.5.3 The Accused Student and the Complainant may submit a written brief in support of or in response to the appeal as appropriate, within 10 Days of being notified that the appeal has been referred to the panel. Any response to be filed by an Accused Student or the Complainant shall be filed within 5 Days of receipt of a brief of the other.

8.5.4 The panel shall set a date for hearing the appeal, which date shall not be later than 30 days after the panel has received the appeal. The appeal may proceed notwithstanding that no briefs have been received by the panel as provided for in section 8.5.3.

8.5.5 The Accused Student and the Complainant may be assisted and represented at the appeal by legal counsel or other person of their choice.

8.5.6 The appeal shall be conducted in accordance with the following guidelines:

(i) The appeal shall be conducted in private unless there is agreement otherwise by the Complainant, the Accused Student and the panel.

(ii) Evidence from witnesses shall be at the discretion of the panel, and if witnesses are permitted, they may be cross-examined by the panel and the party responding or by her or his counsel.

(iii) The Accused Student and the Complainant, or their respective counsel or representative, may make a statement to the panel.

(iv) Procedural questions concerning the conduct of the appeal are at the discretion of the panel.

8.5.7 The panel shall render its findings in writing within 10 days following the conclusion of the appeal hearing. The findings of the panel shall be delivered by the Appeals Committee to the Accused Student, the Complainant, the President and the appropriate Head of the Campus.

8.6 Board of Regents

8.6.1 An Accused Student may appeal the findings of the Appeals Committee panel to the Board of Regents within 5 Days of receipt of the findings of the panel, such notice to contain a brief summary of the reasons for the appeal.

8.6.2 Upon receipt of a request to hear an appeal, the chair of the Board of Regents shall determine whether to convene a panel of the Board of Regents to consider the appeal.

8.6.3 The hearing of an appeal by the Board of Regents shall be in accordance with procedures set down by the Board of Regents.

9.0 HEARINGS

9.1 Investigations, hearings and appeals shall be conducted in an informal manner, unless the situation warrants otherwise and in accordance with the principles of natural justice, and the Investigation Officer, the hearing panel, the Appeals Committee, the appeal panel and the Board of Regents shall not be bound to observe strict legal procedures or rules of evidence. Procedural defects will not invalidate the proceedings unless there has been a substantial denial of natural justice.

9.2 The Head of the Division, the Hearing Officer, the appeal panel and the Board of Regents may be assisted and represented by legal counsel.

10.0 HOUSING REGULATIONS

10.1 All students in University Housing must abide by the University Calendar and the Housing Regulations applicable to their residence.

10.2 At the beginning of each academic year, a Housing Appeals Committee shall be established for each residence for that academic year, in accordance with the respective procedures outline in this section 10.2.

10.3 Paton College

10.3.1 At the first residence meeting of the academic year, the Proctor of the residence shall invite residents of the residence to apply to become members of a pool who may be selected as members of the Housing Appeals Committee. At this time, the Proctor shall explain the Housing Regulations and the role of the House Committee. Application forms shall be kept in a file folder outside the Proctor's apartment. The deadline to receive written applications shall be 2 weeks following the residence meeting. Staff and executive members of the residence are excluded from membership on the Housing Appeals Committee.

10.3.2 Once applications are received, the Proctor shall meet with the president of the residence to review applications and select a number of persons who are eligible to be members of the Housing Appeals Committee. The persons selected should represent a cross section of the residents of the residence with consideration given to first time residents and gender.

10.3.3 At least 24 hours prior to each appeals hearing, the Proctor and president of the residence will randomly select seven members from the pool of eligible members of the House Appeals Committee to serve as a panel to appeals from application of the Housing Regulations. The Proctor will notify the members of the panel of the date, time and location for meeting of the panel (should be private and secure - not in any common area or bedroom). The panel has the option of booking a neutral location outside the residence for the hearing of appeals.

10.3.4 The chair of the panel shall be chosen by a majority vote of the panel members. A recorder shall also be selected from the panel whose responsibility it will be to generate a written report on each case heard by the panel. These reports will be given to the Proctor, who shall keep them until the end of the academic year. The deliberations of the panel will remain confidential.

10.3.5 Five members will constitute a quorum for the panel. If the quorum is not obtained at the beginning of the hearing, the chair is responsible for rescheduling the hearing at the earliest possible date.

10.3.6 If in the opinion of any member of the panel a member is in a conflict of interest, a replacement member(s) may be randomly chosen by the chairperson from the Housing Appeals Committee to ensure a quorum is established.

10.4 Director of Housing, Resident Assistants, Academic Don and Proctors shall have the authority to levy fines for breaches of the Housing Regulations.

10.5 Appeals from fines levied shall be made in writing to the Proctor of the residence who will meet with the Accused Student within 3 Days to attempt to settle the appeal. If the appeal cannot be settled, the Proctor shall refer the appeal to a panel. Appeals must be initiated within 7 Days of the fine being imposed. The appeal shall take place not later than 7 Days from the date the appeal is received.

10.6 The Proctor shall prepare for each member of the panel all necessary information including: statement of appeal received, record of fine levied, records of previous fines imposed, occupancy agreement and the Code. All identifying information not relevant to the appeal shall be blackened out on all such information provided to the panel.

10.7 The panel will convene a hearing of the appeal. Two Days before the commencement of the appeal hearing the Proctor will provide each panel member with the information referred to in section 10.6. The panel will select the chair of the panel and the recorder. The Proctor will not be present during the deliberations of the panel.

10.8 The chair will read the fine/charge and the members of the panel shall

review the information. The panel shall make its Decision by secret ballot of all members of the panel, which ballots shall be counted by the chair, and determined by a majority vote.

10.9 Within 24 hours following the panel's deliberations, the chair of the panel shall deliver the panel's Decision in writing, together with all of the documents referred to in section 10.6, to the Proctor.

10.10 Within 24 hours of receiving the panel's Decision, the Proctor shall deliver the written Decision to the Accused Student or leave it at the Accused Student's place of residence.

10.11 A further appeal of the Decision of the panel may be made by the Accused Student or the Complainant to the Director of Housing within 7 Days.

10.12 Where a Accused Student has been assessed a fine on three occasions relating to similar Offences, or where the panel has recommended that a Housing Sanction be imposed under section 10.21.1.7 or 10.21.1.8 or 10.21.1.9, the matter shall be referred for review to the Assistant Director of Housing, Food and Conference Services who shall meet with the Accused Student and determine which additional Sanction(s) are appropriate to address the Offences. The Housing Sanctions imposed under this section shall not exceed those set out in Section 10.21.

10.13 In the event that the Accused Student wishes to appeal the Housing Sanction imposed by the Assistant Director of Housing, Food and Conference Services, the appeal shall be made in writing to the Director of Housing within 7 Days who shall review the appeal and decide whether to maintain, lessen or increase the Housing Sanction imposed.

10.14 If the Housing Sanction imposed by the Director is expulsion, as provided for in section 10.21.1.9 and the Accused Student wishes to appeal that Housing Sanction, the appeal shall be made in writing to the Dean within 7 Days who will take appropriate action. Any further appeal shall be made to the Appeals Committee under section 8.5. If deemed necessary by the Director, the Accused Student shall vacate residence while the appeal from the Decision of the Director is outstanding.

10.15 Burton's Pond Apartments

10.15.1 Where there is a breach of the Housing Regulations pertaining to Burton's Pond Apartments the matter shall be referred for review to the Assistant Director of Housing, Food and Conference Services who shall meet with the Accused Student to resolve the matter, and shall have the authority to impose Housing Sanctions as appropriate. The Housing Sanctions imposed under this section shall not exceed those set out in Section 10.21.

10.15.2 In the event that the Accused Student or Complainant wishes to appeal the Housing Sanction imposed by the Assistant Director of Housing, Food and Conference Services, the appeal shall be made in writing to the Director of Housing within 7 Days who shall review the appeal and decide whether to confirm, deny or modify the Housing Sanction imposed.

10.15.3 If the Housing Sanction imposed by the Director is expulsion, as provided for in section 10.21.1.9 and the Accused Student wishes to appeal that Housing Sanction, the appeal shall be made in writing to the Dean within 7 Days who will take appropriate action. Any further appeal shall be made to the Appeals Committee under section 8.5. If deemed necessary by the Director, the Accused Student shall vacate residence while the appeal from the Decision of the Director is outstanding.

10.16 Where the Director of Housing has reason to believe that a breach of the Housing Regulations concerns non-residents of the residence where the incident occurred, the matter may be referred for determination under the provisions applicable to the residence where the Accused Student resides, or if not a resident of any residence, then under this Code.

10.17 Sir Wilfred Grenfell College (Residence and Chalets)

10.17.1 The purpose of the following procedures is to encourage changes in behaviour where such behaviour is unacceptable so that student conduct meets the expectation of Sir Wilfred Grenfell College ("College") and the Housing Regulations. College Housing staff are expected to clarify College policies, Housing Regulations and community standards. Students have the responsibility to read the Housing Regulations and College policies as outlined in the residence and chalet handbooks.

10.17.2 The Manager of Student Housing (MSH), the Residence Life Officer (RLO), Residence Assistants (RAs), and the Chalet Proctors (CPs) shall respond when there is a breach of any Housing Regulations. They have the authority to levy fines and impose other Sanctions for breaches of the Housing Regulations as outlined in the residence and chalet handbooks.

10.17.3 The College Housing staff may respond to breaches of Housing Regulations and may consider the following:

- a) The seriousness of the breach.
- b) Whether the Accused Student understands the breach and is willing to modify the relevant behaviour.
- c) Whether the breach is part of a behavioural trend or an isolated incident.

10.17.4 In minor cases, the College Housing staff shall attempt first to resolve the incident informally. This alternative can be used if this is the first offence and the Accused Student is willing to take responsibility for the breach and the Accused Student agrees not to repeat the breach.

10.17.5 If the breach or violation of the Housing Regulations is more serious, is a repeated offence, or the Accused Student is uncooperative with the College Housing staff, the College Housing staff have the following options:

- a) Levy a fine and/or
- b) Refer the student to the RLO for a hearing.

10.17.6 Based on the outcome of the hearing, the RLO shall have the authority to impose Housing Sanction(s) as appropriate. The Housing Sanctions imposed under this section shall not exceed those set out in Section 10.21.

10.17.7 Within 24 hours of the hearing, the RLO shall deliver a written Decision to the Accused Student or leave it at the Accused Student's place of residence.

10.17.8 In the event that the Accused Student wishes to appeal the Housing Sanction imposed by the RLO, the appeal shall be made in writing to the MSH within 7 days to the MSH, who shall review the appeal and decide whether to confirm, deny or modify the Sanction imposed. In the event that the MSH has been involved in the any aspect of the Decision, this appeal shall be made to the Coordinator of Student Services. Except as provided for herein, no appeal may be made from a Sanction by the MSH or the Coordinator of Student Services of the College ("Coordinator").

10.17.9 If the Housing Sanction imposed by the MSH is suspension or expulsion, as provided for in section 10.21.1.8 and 10.21.1.9, and the Accused Student wishes to appeal the Housing Sanction, the appeal shall be made in writing within 7 Days to the Coordinator who shall review the appeal and decide whether to maintain, lessen or increase the Housing Sanction imposed.

10.17.10 If the Housing Sanction imposed by the Coordinator is expulsion, as provided for in section 10.21.1.9 and the Accused Student wishes to appeal that housing Sanction, the appeal shall be made in writing to the within 7 Days to the Vice-Principal, who will take appropriate action. Any further appeal shall be made to the Appeals Committee under section 8.5. If deemed necessary by the Coordinator or the Vice-Principal, the Accused Student shall vacate the residence while the appeal from the Decision of the Coordinator or the Vice-Principal is outstanding.

10.17.11 A Decision, ruling, recommendation or declaration of the Appeals Committee arising out of a Housing Sanction imposed under section 10.17.10 is

final and shall not be questioned or reviewed in a court, and an order shall not be made or process entered or proceeding taken in a court whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto or otherwise to question, prohibit or restrain the Appeals Committee or its proceedings.

10.17.12 Where the MSH has reason to believe that a breach of the Housing Regulations concerns non-residents of the Residence or the Chalet where the incident occurred, the matter may be referred for determination under the provisions applicable to where the Accused Student resides, or if not a resident of any Residence or the Chalet, then under this Code.

10.18 College Residence – Appeal of Fines

10.18.1 Accused Students can appeal the fines issued by an RA to the Disciplinary Appeals Board (“DAB”). Appeals shall be made in writing to the RLO who shall refer them to the DAB. Appeals must be initiated within 7 Days of the fine being imposed. The appeal hearing shall take place not later than 7 Days from the date the appeal is received.

10.18.2 At the first floor meeting of the academic year, the RLO shall invite residents to apply as members of the DAB for the positions of first year student member, senior student member or student-at-large member. The deadline to receive written applications shall be two weeks following the call for applications. At this time, the RLO shall explain the appeal procedures and the role of the DAB to the residence students.

10.18.3 Once applications are received, the RLO shall meet with the president of the residence council to review applications and select a number of persons as the members of the DAB. The persons selected should represent a cross section of the resident student population. Membership on the DAB shall be for one academic year. Other members on the DAB shall be one RA and one residence council representative, both selected by the RLO.

10.18.4 At least 24 hours prior to each appeals hearing, the RLO will randomly select from the members of the DAB representatives of the student population as a panel for an appeal. The RLO will select one RA and one residence council representative to be members of the panel. The RLO will notify the members of the panel of the date, time, and location for the hearing. The location should be private and secure and not in any common area or bedroom. The panel has the option of booking a neutral location for the hearing of appeals.

10.18.5 The chair of the panel shall be chosen by a majority vote of the panel members. A recorder shall also be selected from the panel whose responsibility it will be to generate a written report on each case heard by the panel. These reports will be given to the RLO, who shall keep them until the end of the academic year. The deliberations of the panel will remain confidential.

10.18.6 Five members will constitute a quorum for the panel. If the quorum is not obtained at the beginning of the hearing, the chair is responsible for rescheduling the hearing at the earliest possible date.

10.18.7 If, in the opinion of any member of the panel, a member is in conflict of interest, a replacement member(s) may be randomly chosen by the chair from the members of the DAB representing the same constituency to ensure a quorum is established.

10.18.8 The RLO shall prepare for each member of the panel all necessary information including: letter of appeal, record of fine levied, records of previous fines imposed, occupancy agreement and the Code. All unrelated identifying information shall be blackened out on all such information provided to the panel. The Accused Student is entitled to review all such information provided to the panel.

10.18.9 The panel will convene a hearing of the appeal. Two Days before the commencement of the appeal hearing the RLO will provide each panel member with the information referred to in section 10.18.8. The panel will select the chair of the panel and the recorder. The RLO will not be present during the deliberations of the panel.

10.18.10 The chair will read the fine/charge and the members of the panel shall review the information. Where the chair deems it appropriate, the chair may invite the Accused Student and Complainant to attend only for the purpose of making a statement to the panel and to answer any questions which the panel may pose. The panel will make its Decision by secret ballot of all members of the panel, which ballots shall be counted by the chair, and determined by majority vote.

10.18.11 Within 24 hours following the panel's deliberations, the chair of the panel shall deliver the panel's Decision in writing, together with all of the documents referred to in section 10.18.8, to the RLO.

10.18.12 Within 24 hours of receiving the panel's Decision, the RLO shall deliver the written decision to the Accused Student or leave it at the Accused Student's place of residence.

10.18.13 A further appeal of the Decision of the panel may be made by the Accused Student or the Complainant to the MSH within 7 Days of the Decision.

10.18.14 Where an Accused Student has been assessed a fine on three occasions relating to similar Offences, or where the panel has recommended that a Housing Sanction be imposed under section 10.21.1.7 or 10.21.1.8 or 10.21.1.9, the matter shall be referred for review to the RLO who shall meet with the Accused Student and determine which additional Housing Sanction(s) are

appropriate to address the Offences. The Housing Sanctions imposed under this section shall not exceed those set out in Section 10.21.

10.19 College Chalet Apartments – Appeal of Fines

10.19.1 Accused Students who are residents of a Chalet can appeal fines issued by a CP to the MSH who shall review the appeal and decide whether to confirm, deny or modify the fine.

10.20 Harlow Campus

10.20.1 Where there is a breach of the Housing Regulations pertaining to Harlow Campus residences the matter shall be referred for review to the General Manager, Harlow (or delegate) who shall meet with the Accused Student to resolve the matter, and shall have the authority to impose Housing Sanctions as appropriate. The Housing Sanctions imposed under this section shall not exceed those set out in Section 10.21.

10.20.2 In the event that the Accused Student or Complainant wishes to appeal the Housing Sanction imposed by the General Manager, Harlow the appeal shall be made in writing to the Head of Harlow Campus within 7 Days who shall review the appeal, in consultation with the Program Leader of the Accused Student's program, and decide whether to confirm, deny or modify the Housing Sanction imposed.

10.20.3 If the Housing Sanction imposed by the Head of Harlow Campus is expulsion, as provided for in section 10.21.1.9 and the Accused Student wishes to appeal that Housing Sanction, the appeal shall be made in writing to the Dean within 7 Days who will take appropriate action. Any further appeal shall be made to the Appeals Committee under section 8.5. If deemed necessary by the Head of Harlow Campus, the Accused Student shall vacate residence while the appeal from the Decision of the Head of Harlow Campus is outstanding.

10.20.4 Where the Head of Harlow Campus has reason to believe that a breach of the Housing Regulations concerns non-residents of the residence where the incident occurred, the matter may be referred for determination under the provisions applicable to the residence where the Accused Student resides, or if not a resident of any residence, then under this Code.

10.21 Housing Sanctions

10.21.1 The Housing Sanctions imposed in respect of breaches of the Housing Regulations shall not affect any Housing Sanction imposed under another section of this Code. The following Housing Sanctions may be imposed on Accused Students who are residents in University Housing:

10.21.1.2 Reprimand

Notice in writing that the Accused Student has violated the Housing Regulations and that continuation or repetition of the conduct found wrongful, within a period of time stated, may be cause for further Housing Sanctions, up to and including expulsion.

10.21.1.2 Probation

Written reprimand for violation of the Housing Regulations, including notification of the possibility of a further Housing Sanction, up to and including expulsion, in the event the Accused Student is found to have violated the Code during the probationary period within a period of time stated in the letter of reprimand.

10.21.1.3 Restitution

Compensation for misappropriation of property, loss, damage or injury which may take the form of appropriate services and/or monetary or material replacement.

10.21.1.4 Service

Requirement to (i) provide public service work, not exceeding 25 hours, within the University or within the community where the Accused Student resides or (ii) provide a paper on a topic related to the incident or (iii) attend a forum on a designated topic.

10.21.1.5 Fine

Imposition of a fine or bond set out in Appendix II which is commensurate with the Offence.

10.21.1.6 Reassignment

Where an Accused Student's behaviour is disruptive to a Residence or a Chalet, the Accused Student may be assigned to another floor or building.

10.21.1.7 Exclusion

Exclusion of the Accused Student from a particular part of the University Housing and/or from participation in House events for a specific period of time. Conditions for regaining inclusion may be specified.

10.21.1.8 Suspension

Suspension of privileges of University Housing for a definite period. The conditions for rescinding the suspension may be specified.

10.21.1.9 Expulsion

Expulsion of the Accused Student from all parts of the University Housing for a specified period. The conditions for reinstatement may be specified.

APPENDIX I

I Memorandum on the Maintenance and Use of Records

1 Keeping of Records

A record must be kept in all cases that have been the subject of an investigation, hearing and appeal, the result of which has been the imposition of a Sanction, whether or not the Accused Student has waived the right to a hearing. All such records shall be maintained for a period of ten (10) years.

2. Composition of Records

The record of cases shall comprise:

- (a) the written report of the Investigation Officer;
- (b) the notice of Hearing (including the Offence);
- (c) documentary evidence filed at a Hearing;
- (d) all Decisions.

3 Storage of Records

The records shall be stored in the office of the appropriate Head of the Campus. In addition, an electronic copy of such records shall be made and provided to the Dean for custody.

4 Records of the Investigation

Where the investigation has not proceeded to a Hearing, the records and notes of the Investigation Officer shall be kept and may have a bearing on the decision to prosecute in a future case. Where a Sanction has been imposed, a copy of the letter of Sanction to the Accused Student shall be filed, in confidence, with the University Registrar.

5 Publishing of Records

A Decision, including the name of the Accused Student and the Complainant, the Offence and the Sanction, shall be reported to the Vice-President (Administration and Finance), who shall convey the information, anonymously and in statistical form, annually to the President and the Board of Regents. A Hearing Officer or the Appeals Committee may recommend to the Vice-President (Administration and Finance) that the nature of the Offence and the Sanction be published in the University newspapers. Where circumstances warrant, they may also order the publication of the name of the Accused Student found to have committed the Offence. The Vice-President (Administration and Finance) shall have the discretion to withhold publication of the name of any person.

6 Use of Records

Records of previous convictions may be taken into account in imposing a Sanction.

7 Tape Recordings of Hearings

The Hearing Officer shall ensure that a tape recording is made of all sessions of a Hearing. Such tape recordings shall be kept by the Head of the Campus for at least 90 days after notice has been given of the Decision.

APPENDIX II

HOUSING FINES

Housing fines for respective residences form part of this Code and are subject to change from time to time. Students may obtain a copy of the relevant schedule of Housing fines from the appropriate Housing official on each Campus.

RESIDENTS ARE RESPONSIBLE FOR KNOWING ALL RULES AND REGULATIONS. WARNINGS WILL NOT BE GIVEN!