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<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
<b>Effective Date:</b>	2020-JUN-19
<b>Revision Date(s):</b>	N/A

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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 u

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

'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**



#### 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 dTc 0 Tw actr( )10.6 (9 (t)-3 Tc -0.-6.7 (r(t.9  
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- 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 –

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.





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 7 (t b)5.2 (e)1(m)-9ci004 Tc2i8 BDCri92f (t)-3 7





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 letter n7.9 (p-1 (-3 (e)-3 (6 (;3 (n1(r 840 Tw

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).



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,