



ACADIA
UNIVERSITY

NON-ACADEMIC JUDICIAL STUDENT CODE OF CONDUCT

2020-21

ACADIA UNIVERSITY
STUDENT SERVICES

(Revised: August 2020)

<http://studentservices.acadiu.ca>

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INTRODUCTION

Acadia University provides the optimal setting for life-changing experiences - educating hearts and minds for our transforming world. Acadia University delivers students far more than an education for a career; it helps transform and prepare students for life in a rapidly changing world through a passionate community dedicated to finding and unleashing their potential.

The University recognizes that a safe and secure learning environment is fundamental to the success of its mission. All members of the Acadia community have the right to study, live, and work in a safe community that is committed to integrity, respect, and well-being. In turn, Acadia community members also have a responsibility to uphold values and actions that contribute positively to this environment.

In situations where the actions of a student infringe upon the rights of another member of the Acadia community, the University is committed to providing a student-centered response that appropriately balances safety and harm reduction with opportunities for growth and development. Wherever possible, students will be given the opportunity to learn from and repair harms arising from these incidents.

Acadia University is committed to administering a fair and equitable student conduct process that allows for flexibility and discretion, particularly in response to the differing needs and experiences of at-risk or marginalized students participating in this process.

Acadia University is committed to providing an experience where people can thrive, where they can feel fulfilled in their work, play, and interpersonal relationships, and where life can be enjoyed without compromising the health, well-being or safety of oneself or others.

PURPOSE

The Acadia University Non-Academic Judicial Student Code of Conduct is the standard for non-academic behaviour and conduct for students who choose to study at Acadia University and outlines the process that the University must follow in the event that one or more of these standards are violated.

All students who have registered for a course or program of study at Acadia University are expected to read and familiarize themselves with the standards and processes outlined in the Non-Academic Judicial Student Code of Conduct. Failure to do so does not excuse a student from being held responsible actions that are in violation of the Code of Conduct. The Non-Academic Judicial Student Code of Conduct will be emailed to each student's university email account and is available on the Student Life website.

The authority for Acadia University's Non-Academic Judicial Student Code of Conduct derives from the power granted to the Board of Governors by the Province of Nova Scotia under the University's Act of Incorporation in 1891. These powers are exercised on behalf of the Board of Governors by the Vice-Provost Students, Recruitment and Enrolment Management, and the Executive Director, Student Services (or designate). This authority has been and will be delegated, in specific cases to other Acadia University staff members. The day to day oversight of sanctioning and Collaborative Sanctioning Meetings will be the responsibility of the Director, Residence and Student Life and the Coordinator, Student Community Development.

DEFINITIONS

"Balance of Probabilities" means the standard of proof used to determine findings of fact, requiring that the evidence shows that the violation is more likely than not to have occurred.

"Campus" means any property owned and/or operated by Acadia University.

"Complainant" means a person who has made a complaint of an alleged violation of the Non-Academic Judicial Student Code of Conduct.

"Interim Sanction" means an action or restriction imposed upon a student prior to the completion of an investigation, usually intended to reduce or eliminate a potential threat to an individual or the community.

"Member(s) of the Acadia Community" means employees, students, contractors, agents, board members, volunteers, and visitors.

"Respondent" means a student who is being investigated for an alleged violation of the Student Code of Conduct.

"Sanction" means a consequential action or restriction imposed upon or agreed to by a student in response to a violation of the Non-Academic Judicial Student Code of Conduct.

“Student” means an individual who is registered in a course or course of study at Acadia University or who was so registered at the time the violation is alleged to have occurred.

“Violation” means an action or set of actions that are determined by way of an investigation to be in contravention of the standards included in the Non-Academic Judicial Student Code of Conduct.

JURISDICTION

The Non-Academic Judicial Student Code of Conduct applies to student behaviour and conduct that is non-academic in nature. Matters related to academic integrity including, cheating or plagiarism, are **not** within the scope of this policy. Behaviour or conduct that occurs within a classroom or another academic setting under the supervision of a faculty member is considered to be within the scope of this policy, if it is not directly related to an academic assessment.

Student behaviour and conduct that violates another relevant University policy may be referred by the policy administrator for investigation and/or adjudication under the Student Code of Conduct in situations where:

- (1) The policy delegates this authority to the Non-Academic Judicial Student Code of Conduct;
- (2) The policy does not have an investigation or adjudication process in place; and/or
- (3) The administrator responsible for the policy determines, in consultation with the Executive Director, Student Services (or designate), that the process outlined in the Non-Academic Judicial Student Code of Conduct would be more appropriate for resolving the matter.

The Non-Academic Judicial Student Code of Conduct applies to non-academic student behaviour and conduct that occurs in the following circumstances:

- (1) Conduct that occurs on the Acadia University campus or any other University owned or affiliated property;
- (2) Conduct that occurs at an off-campus event or activity that is sponsored or sanctioned by the University, the Acadia Alumni Association, the Maple League of Universities, and/or the Acadia Students' Union;
- (3) Conduct that occurs while representing the University during an approved activity such as, but not limited to co-op, work-term placement, field school, practicum, athletic competition, or study abroad/exchange program;
- (4) Conduct that occurs through the use of technology or technology-based media and is directly linked to the university or carried out using Acadia University's network, equipment, or technology;
- (5) Conduct by a guest of an Acadia University student occurring on the university campus or any other University owned or affiliated property and/or;
- (6) Conduct referred by the Town of Wolfville and/or RCMP to Acadia University.

Acadia University reserves the right to investigate and respond to off-campus violations by one or more current Acadia University students where the complainant is a member of the Acadia community and/or the matter has been referred by the Town of Wolfville and/or RCMP. The Executive Director, Student Services (or designate) will consider the following factors in determining if an investigation into off-campus conduct is appropriate:

- (1) Whether or not the University has sufficient authority and/or access to evidence to conduct a thorough investigation;
- (2) The extent to which the incident occurred as a result of a direct connection or relationship to the University;
- (3) The extent to which the incident poses a risk to the safety of members of the Acadia community;
- (4) The extent to which the incident poses a reputational risk to the University; and/or
- (5) Whether there is another body or process that would be more appropriate in resolving the matter.

While complaints originating from individuals and representative groups outside of the campus community are not normally within the scope of this Non-Academic Judicial Student Code of Conduct, Acadia University is committed to providing programming and resources to resolve conflict between students and residents in the surrounding community. Individuals who have been impacted by behaviour or conduct of an Acadia University student may request assistance from the Town of Wolfville and/or RCMP in referring the matter to the Non-Academic Judicial Student Code of Conduct.

The University may choose to investigate violations of this policy congruent to investigations by law enforcement, municipal bylaw officers, courts, or other external organizations and entities. During such investigations, decisions made aligned with the Non-Academic Judicial Student Code of Conduct may differ from those made during external investigations.

RESPONSIBILITIES

Acadia University is responsible to ensure students are aware of the contents of the Non-Academic Judicial Student Code of Conduct and ensuring that it easily available and accessible for all students to read and understand.

It is vital that a healthy community is created where members respect self, each other, Acadia University, and local communities and residents.

All students have the responsibility to contribute to the creation of a community that prioritizes the well-being of self and others as a primary priority. This well-being can be defined in several contexts:

Community Well-being

- (1) create a community of inclusion and safety for everyone
- (2) create a diverse community that respects the rights and privacy of others, regardless of colour, creed, race, or religion

Intellectual Well-being

- (1) recognize and value the learning needs of oneself and others
- (2) create an environment that ends speech and actions of hate and discrimination

Physical Health and Well-being

- (1) not engage in sexual violence and sexual harassment of any kind toward any individual
- (2) respect the personal space and property rights of students, faculty, staff, and local community members and not partake in any form of physical assault or violence with the use of one's body or the use of any object to injure an individual
- (3) follow directed safety practices and public health directives to prevent the spread of communicable disease

Social Well-being

- (1) engage positively in the Acadia and Town of Wolfville communities through one's actions and speech at all times
- (2) if it is one's individual preference, consume legal drugs and alcohol understanding the regulations for the use of those substances, while maintaining respect for self and others
- (3) read, understand, and adhere to the Nuisance Party By-laws regulated by The Town of Wolfville
- (4) refrain from engagement (sponsoring, attending, hosting and continuing) in a nuisance party that is disturbing to roommates, fellow students, and community members of the Town of Wolfville

Spiritual Well-being

- (1) be accepting of the diverse beliefs in the Acadia community
- (2) foster community spirit
- (3) show empathy for others

STANDARDS OF CONDUCT

All students at Acadia University have a responsibility to refrain from behavior or conduct that includes the following:

- (1) **Violence, Threats, Harassment, and Intimidation** - Aggressive or intimidating communication or physical behaviour that leads to or threatens bodily and/or emotional harm.

- (2) **Compromising the Safety of Others** - Creating or contributing to conditions that unnecessarily endanger the health, safety, and/or security of others. This behaviour includes expectations to adhere to any federal or provincial public health directives or orders.
- (3) **Possession of Dangerous Objects** - Unauthorized storage, possession, or use of weapons, ammunition, explosives, fireworks, hazardous chemicals, and other objects that threaten to or endanger the security of the University community. This includes replica weapons that cannot easily be identified as non-dangerous.
- (4) **Misuse of Alcohol or Drugs** - Possession, use, or sale of alcohol, cannabis, narcotics, prescription drugs, or other controlled substances that occurs in contravention of applicable laws, statutes, and/or Acadia University policies. This includes underage consumption and overindulgence or intoxication.
- (5) **Damage to Property** - Creating or contributing, whether intentionally or unintentionally, to conditions that result in the damage, vandalism, or defacing of property (including university residence buildings), infrastructure, or intellectual property belonging to the University or a member of the Acadia community.
- (6) **Theft or Removal of Property** - Theft or attempted theft of belongings of any member of the Acadia community. This includes removal of University property without consent.
- (7) **Disruptive Behaviour** - Speech, actions, or unreasonable demands for attention that interfere with or obstruct, instruction, learning, and/or services or access to instruction, learning and/or services.
- (8) **Unauthorized Access** - Entry to or use of University facilities, spaces, residence rooms, or electronic equipment/infrastructure/data/systems without authorization or legitimate access.
- (9) **Tampering With Safety Equipment** - Inappropriate use or destruction of equipment designed to enhance campus safety including fire alarms, fire extinguishers, cameras, door locks, and exit doors. Other safety items may be included for protection as appropriate.
- (10) **Attack on the Dignity or Security of an Individual or Group** - Engaging in conduct that is demeaning, intimidating, harassing, or discriminatory towards one or more members of the Acadia community. This includes, but is not limited to, all protected grounds under the Nova Scotia Human Rights Act. Actions such as coercion, blackmail, and hazing/initiation are also prohibited.

- (11) **Providing False Information or Identification** - Knowingly submitting false information, academic or personal records, transcripts, letters of reference, documents, and/or identification to a staff member or office of the University.
- (12) **Failure to Comply** - Refusal of or disregard for a reasonable and appropriate direction or request by a University employee, contractor, RCMP or other law enforcement officer, or municipal or civil services professional (e.g., firefighter, bylaw officer). This includes compliance with outcomes and sanctions that are imposed or agreed upon under this policy.
- (13) **Interference With the Conduct Process** - Actions that disrupt the Non-Academic Judicial Student Code of Conduct process including coercion and/or intimidation of witnesses or decision-makers, provision of false statements or evidence, and retaliation or malicious actions against any persons involved in the incident or process.
- (14) **Laws, Statutes, and Policies** - All students are expected to conduct themselves in a manner that is compliant with all relevant federal, provincial, and municipal laws, statutes, and emergency orders, including provincial public health orders, and the Criminal Code of Canada. In addition, students are expected to comply with all applicable University policies and emergency orders. Failure to adhere to or obey laws, statutes, emergency orders, and policies is considered to be a violation of this policy.

Acadia University encourages the responsible actions of bystanders. Students who contribute directly to a violation, whether by action or inaction, may be held responsible under the Non-Academic Judicial Student Code of Conduct.

INVESTIGATIVE PROCESS

Investigations into reported violations of the Non-Academic Judicial Student Code of Conduct are completed by designated employees within the Student Services Unit and the Department of Safety and Security at the direction of the Executive Director, Student Services (or designate). Representatives from Human Resources may also be involved in investigations where there is a complaint involving both student and employee respondents. University representatives must file a complaint under the Non-Academic Judicial Student Code of Conduct within 60 days of the alleged offense (not including allegations of sexual violence, physical assault, verbal abuse/harassment or other similar allegations) or completion of the investigation of the alleged offense by the University.

In cases involving complex details or escalated risk to the University, external investigators may be used instead of or in addition to University employees.

Investigations and decision-making are guided by the principles of natural justice. Evidence will be weighed based on reliability, probative value, and relevance to the issue at hand. After all

relevant and available evidence has been considered, a decision will be rendered on the balance of probabilities as to whether or not the violation occurred and to what extent the respondent is responsible for the violation.

The University reserves the right to impose an interim sanction on a student before or during an investigation if the interim sanction is reasonably required to protect the safety and security of the campus community. Interim sanctions may include temporary removal from a program and/or class, temporary eviction from residence, temporary ban on access to all or part of campus, and/or no contact order. Interim sanctions may only be imposed by the Executive Director, Student Services or the Director, Safety and Security. Interim sanctions may be appealed to the Vice-Provost, Students, Recruitment, and Enrolment Management. (see Appeals section)

SANCTIONS

In the event that a student is found to have violated the Non-Academic Judicial Student Code of Conduct, the assignment of one or more sanctions may be appropriate. Designated employees in the Student Services unit are responsible for assigning and monitoring sanctions. Sanctions are intended to provide students with the opportunity to repair harms caused by their actions and should be rooted in growth and learning, whenever possible.

In most cases, students will be invited to participate in a Collaborative Sanctioning Meeting (CSM) with a designated employee of the Student Services unit, in which they will be given the opportunity to take responsibility for their actions and acknowledge the harms they have caused.

The CSM must take place within 15 working days of the respondent receiving the complaint. The Student Services employee will guide the student through a process intended to result in sanctions that are agreed upon by both parties. Sanctions may instead be imposed by a designated employee of the Student Services unit, in the event that a CSM is not appropriate due to one of the following reasons:

- (1) The violation is determined to be particularly egregious or represents a risk to safety such that a collaborative sanctioning meeting would not result in an appropriate level of sanction;
- (2) The student has had previous violations of a similar nature; and/or
- (3) A CSM was ineffective.

Sanctions involving suspension or dismissal from the University may only be imposed by the Vice-Provost, Students, Recruitment, and Enrolment Management at the recommendation of the Executive Director, Student Services (or designate). The Executive Director, Student Services (or designate) will notify the President of the Acadia Students' Union in situations where suspension or dismissal are being recommended.

APPEALS

Sanctions agreed upon as part of a Collaborative Sanctioning Meeting (CSM) may not be appealed. In the event that a student feels that a sanction they agreed to as part of this process is no longer fair, they may request that a second meeting be scheduled to review the agreement.

Decisions or sanctions imposed under the Non-Academic Judicial Student Code of Conduct, may be appealed by the respondent in writing within 15 working days of the decision being communicated to the respondent.

Appeals must be directed to the following:

- (1) The Executive Director, Student Services (or designate) for sanctions imposed by any employee within the Student Services unit;
- (2) The Vice-Provost, Students, Recruitment, and Enrolment Management for sanctions imposed by the Executive Director, Student Services; or
- (3) The Provost and Vice-President, Academic for suspensions or dismissals imposed by the Vice-Provost, Students, Recruitment, and Enrolment Management.

Appeals of decisions made under the Non-Academic Judicial Student Code of Conduct, can be made on the following grounds:

- (1) New information or evidence has come to light that was previously unavailable and may result in a change to the outcome of the case;
- (2) The case was prejudiced by demonstrated bias or conflict of interest on the part of the person responsible for the decision;
- (3) Procedures were not properly followed in a manner significant enough that the outcome may have been influenced; and/or
- (4) The sanction(s) imposed is disproportionate to the severity of the violation.

Appeal decisions will be made as expeditiously as possible, normally within 10 business days unless new evidence or further investigation is required. The imposed sanction will remain in effect until the conclusion of the deliberation and the appeal decision is communicated.

SUPPORT AND WELL-BEING

Acadia University recognizes that participation in the Non-Academic Judicial Student Code of Conduct process can be difficult and that those involved may require support. The University is committed to ensuring that students have access to support and resources while participating in this process. Students are encouraged to seek support as needed from family members, friends, counselling, the Acadia Students' Union, legal counsel, and/or any other relevant sources of support.

The University understands that negative conduct may intersect with or result from struggles with physical and mental health and wellness, substance use, family conflict, or other personal challenges. Supporting student well-being is a priority at Acadia University and may take

precedence over the procedures outlined in this policy. The University may choose to postpone, modify, or forego this process in order to meet the individual needs of a student experiencing such challenges.

When a student exhibits behavioural and/or psychological needs that are beyond the scope and expertise of what may reasonably be provided by the University, particularly in situations that represent a risk to members of the Acadia community, temporary or indefinite restrictions such as removal from a course or program, eviction from residence, and/or a ban on access to all or part of campus may be necessary.

CONFIDENTIALITY

Reasonable discretion and confidentiality is expected of all persons involved in an investigation under the Non-Academic Judicial Student Code of Conduct. Public disclosure of information that is shared as part the investigation process is not permitted, except where required by law, necessary for counsel or support, or otherwise permitted by the University. This applies only to information that a participant learns as a result of their participation in the investigation as well. It is not intended to prevent participants from speaking in first voice about their own experiences with a related incident or the investigation itself.

- (1) In keeping with the confidential nature of the process, the University may provide limited details regarding the status of investigations to members of the Acadia community only as it relates to the safety and security of individuals and/or the community, or as deemed necessary to gather evidence or monitor compliance with sanctions.
- (2) Where appropriate, complainants will be provided with limited details regarding the status of their complaint. This may or may not include details related to sanctioning and outcomes.

ASSIGNING SANCTIONS

Staff members in Student Services will normally be designated to assign sanctions. The day to day oversight of sanctioning and Collaborative Sanctioning Meetings will be the responsibility of the Director, Residence and Student Life and the Coordinator, Student Community Development. The Coordinator, Residence Housing Operations, and Residence Life Coordinators will exercise authority to implement immediate and interim sanctions to ensure the safety and security of students in residence. There will be residence matters where Senior Resident Advisors may also implement restrictions and interim measures to ensure the safety and security of resident students and residence property.

APPROVED SANCTION OPTIONS

Acadia University sanctions are disciplinary measures imposed by a designated employee of the Student Services unit, as a result of an infraction under the Non-Academic Judicial Student Code of Conduct, specifically when the Collaborative Sanctioning Meeting (CSM) does not result in a successful agreement and was ineffective, or in the event that a CSM is not appropriate due to one of the following reasons:

- (1) The violation is determined to be particularly egregious or represents a risk to safety such that a collaborative sanctioning meeting would not result in an appropriate level of sanction; and/or
- (2) The student has had previous violations of a similar nature

The responsible person should, before imposing sanctions, make reference to any previous disciplinary records maintained by Student Services.

Listed below is the possible, although not exhaustive list of sanctions.

The responsible person shall have the authority to introduce any of the following sanctions as part of the Collaborative Sanctioning Meeting:

- (1) To suspend the imposition of any penalty upon the accused persons conditionally or otherwise.
- (2) To order restitution to Acadia University, to any person, or any organization offended.
- (3) To impose fines, with no fine to exceed \$300. All fines are payable to Acadia University and will be applied to the student's University Account.
- (4) To ban students from events or certain areas of the campus. All bans shall take effect from the date of the sanction.
- (5) To place a student on disciplinary probation. Disciplinary probation means that further involvement by a student in an incident requiring disciplinary action will result in further sanctions being imposed up to and including dismissal from residence and/or the University as deemed appropriate.
- (6) To recommend to the Executive Director, Student Services, or designate, that a student be suspended or dismissed from the University-sponsored group or organization to which they belong. This could include varsity athletic, club, recreation and intramural activities.
- (7) To recommend to the Executive Director, Student Services, or designate, that a student be suspended or dismissed from the University. University suspensions and dismissals need to be approved by the Vice-Provost Students, Recruitment and Enrolment Management. Dismissal means that the student must leave the University immediately and may not return except with prior approval of the Vice-Provost, Students, Recruitment, and Enrolment Management.
- (8) To substitute (in whole or in part) community service penalties for fines in those situations where offenses require the imposition of fines, or to include community service penalties as a condition of the imposition of Disciplinary Probation. The service must be performed in the area where the offense occurred.
- (9) Failure to complete required community service penalties in #8 above will result in the immediate imposition of a fine or charges under the provision of "Failure to Comply with Sanctions(s) and/or Restrictions" at the discretion of the Coordinator, Student Community Development.

- (10) To levy any other sanction(s) as deemed appropriate within the constraints of Jurisdiction and Composition of Judicial Agencies.

FAILURE TO COMPLY WITH SANCTIONS(S) AND/OR RESTRICTIONS

If the respondent fails to comply with the sanctions and/or restrictions imposed through the Non-Academic Judicial Student Code of Conduct process, the Executive Director, Student Services (or designate) may recommend any sanction, up to and including dismissal of the respondent from Acadia University.

DELEGATED AUTHORITY

The Executive Director, Student Services or designate can delegate certain specified authority to individuals acting in their absence as follows. These individuals may:

- 1) Refuse entry to a residence building to non-residents who may reasonably be expected to cause a disturbance.
- 2) Remove any non-resident already in the residence building who becomes intoxicated or otherwise causes a disturbance.
- 3) Break up any gathering which exceeds the standards of reasonable behaviour as determined by the residence staff.
- 4) Consult with their residence staff and the Coordinator, Student Community Development concerning students who appear to have problems relating to the use of alcohol and/or drugs or other substances.

Not all matters have been delegated to the Non-Academic Judicial Student Code of Conduct Process. Unless specifically referred to in this document, matters or issues are not covered by such systems. However, the Board of Governors, the Vice-Provost, Students, Recruitment, and Enrolment Management, and the Executive Director, Student Services (or designates) have the authority to address any matter outside the description of the Non-Academic Judicial Student Code of Conduct process when they deem it appropriate or necessary to do so.

JURISDICTION SUMMARY

As mentioned above, the University has the jurisdiction over the conduct and discipline of its students. The authority exists apart from the initiation or status of civil, criminal, or any other proceeding not involving the University, but concerning the same incident or student(s) in question.

All judicial agencies at Acadia University will not entertain or consider objections to their above-mentioned jurisdiction and authority.

This statement of judicial policies and procedures does not limit the freedom of the University to press criminal charges in cases where this is deemed to be an appropriate course of action.