

to the Admissions Office. Such applications are subject to the guidelines of the Senate Admissions and Academic Standing Committee. In cases of readmission, special conditions for entry, course load and GPA performance may be required. Students who have been required to withdraw from the University will not be granted credit for any courses taken while required to be away from the University.

## D. Codes of Student Conduct (Academic and Non-Academic Misconduct)

### Preamble

The Mission Statement of St. Thomas University describes our community in this way:

*We are a university primarily concerned with people, ideas, and values. We are an institution with a social conscience. We are united in the belief that women and men of divergent backgrounds and abilities should have an opportunity to learn and practice critical thought and to realize their intellectual potential in an academic setting that is both responsive and stimulating. .... We strive to preserve the tradition of academic freedom. We seek to provide a learning and working atmosphere that is free of discrimination, injustice, and violence, and that is responsive, understanding, open, and fair.*

In order to make these ideals effective, all members of this community have responsibilities as well as freedoms. For example, the Statement of Mutual Expectations of Instructors and Students in the Academic Calendar sets out the commitments and responsibilities of students and instructors required to create a strong academic culture. The following Codes of Conduct seek to support our mission statement by clearly setting forth our expectations for the responsible conduct of students both academically and socially.

The purpose of the Codes is to express community standards of honesty, respect for persons and property, and responsible use of freedom. The Codes reflects the University's mission and identity, and it exists to guide conduct, safeguarding and promoting the University's educational activity. Each student is responsible for reading and reviewing the Codes of Student Conduct, and for understanding the responsibilities the student assumed by enrolling in the University.

St. Thomas University students are held responsible for their conduct at all times. Any student who engages in *academic or non-academic misconduct* shall be subject to disciplinary action by appropriate officers of the University.

The University, in accordance with the procedures outlined in the following policies reserves the right to withdraw from any student the privilege of attending St. Thomas University. Neither the University, nor any of its members, shall be under any liability whatsoever for such exclusion.

The following considerations constitute the foundation of the University's justification for

establishing expectations of student conduct, codifying those expectations, and adopting equitable processes for assessing student conduct.

1. The University's mission establishes its identity as an independent academic community with a distinctive history and culture.
2. The University's standards of conduct and the procedures for determining responsibility for academic and non-academic misconduct reflect its particular mission and history. These standards and procedures do not attempt to duplicate civil and criminal legal processes, nor do they attempt to substitute for them. As an institution structured to accomplish its stated educational mission, the University has an independent interest in upholding standards of academic and non-academic conduct, and these expectations may differ from those found in society at large. The University is committed to the fundamental principles of natural justice in its student conduct procedures.
3. By registering at St. Thomas University, students voluntarily enter an educational and residential community with standards of academic honesty and respect for persons and property. In choosing to enroll in the University, each student becomes responsible in their conduct to those standards as stated in the Student Codes of Conduct.

The University may address student academic and non-academic misconduct through its own processes and apply sanctions governing the terms of membership in the University. The University reserves the right to deal with misconduct, whether or not law enforcement agencies are involved and whether or not criminal charges may be pending.

## SECTION I - ACADEMIC MISCONDUCT

Intellectual honesty is fundamental to scholarship. Academic dishonesty, in whatever form, diminishes the integrity of education at the University. Accordingly, the University views plagiarism or cheating of any kind in academic work as among the most serious offenses that a student can commit. Such conduct is subject to disciplinary action.

### 1. Plagiarism

The following Statement of Policy on Plagiarism appears in Section Five E of the University Calendar: Plagiarism is "to use another person's ideas or expressions in your writing without acknowledging the source" (The Modern Language Association Handbook for Writers of Research Papers, J. Gibaldi, 1999, p. 30).

Some examples of plagiarism are:

1. Presenting another person's ideas, words, or other intellectual property, including material found on the Internet, as one's own.
2. Writing an essay, report or assignment, or a portion thereof, for someone else to submit as their own work.
3. Submitting an essay, report, or assignment when a major portion has been previously submitted or is being submitted for another course at St. Thomas or any other university without the express permission of both instructors.

A student who is in doubt as to what constitutes plagiarism should discuss the matter with the professor concerned before submitting the assignment.

### 2. Cheating

During an examination, test, or any other written assignment used to judge student performance, the following actions are examples of cheating:

1. The use of unauthorized material such as books, notes, or electronic devices.
2. Obtaining by improper means examinations, tests, or similar materials.
3. Using or distributing to others examinations, tests, or similar materials obtained by improper means.
4. Discussing with another student tests or examination questions that have been obtained by improper means.
5. Either writing a test or examination for another student or having another student write a test or examination.
6. Either using answers provided by another student or providing answers to another student.
7. Copying answers from another student during examinations or tests.

#### *Procedures in Cases of Cheating or Plagiarism*

1. As soon as a professor believes that academic misconduct has occurred, the professor will contact the student via email, with a copy to the Registrar's Office. In the email, the professor will:

- state the problem;
- ask for a meeting with the student;
- specify that a response is required within 7 days;
- state that if the student has not replied within 7 days, then an admission of guilt will be presumed and a penalty will be imposed.

Note: The professor will keep a copy of the email, and the Registrar's Office will place a copy in the student's academic file.

2. At the meeting between the professor and the student, the professor will:
  - present the evidence of misconduct, and the student may respond;
  - ask the student to complete and sign the Student Statement on Academic Misconduct form, which is available on the STU website at [http://w3.stu.ca/stu/administrative/vp\\_academic/academic\\_misconduct.pdf](http://w3.stu.ca/stu/administrative/vp_academic/academic_misconduct.pdf) (Administrative Offices → Vice-President Academic & Research → Policies → Academic Misconduct; scroll to Appendix B).
3. Within 7 days after meeting with the student, the professor will:
  - discuss the matter with the Department Chair, and they will decide on a course based penalty (up to and including a failing grade in the course);
  - submit evidence of academic misconduct to the Department Chair;
  - submit the completed Student Statement on Academic Misconduct form to the Department Chair.
4. Within 7 days of meeting with the professor, the Department Chair will:
  - inform the student in writing of the decision (regarding guilt or innocence) and penalty, and also of the right to appeal the decision (and/or penalty) to the Senate Student Academic Grievance Committee;
  - indicate in the letter to the student that appeals must be initiated within 2 months from the date the letter was sent;
  - submit a copy of the letter to the Registrar's office for inclusion in the student's academic file;
  - submit a copy of the completed Student Statement on Academic Misconduct form to the Registrar's office for inclusion in the student's academic file;
  - submit copies of all evidence of academic misconduct for inclusion in the student's academic file;

- contact the Registrar's office to ascertain whether a previous offense has occurred.
5. If a previous instance of academic misconduct has occurred, then:
    - the Department Chair will notify the Vice-President (Academic & Research) in writing;
    - the Vice-President (Academic & Research) may impose a University-based sanction up to and including expulsion, which would be in addition to the penalty imposed by the professor and Department Chair;
    - the Vice-President (Academic & Research) will notify the student in writing, with a copy of the letter sent to the Registrar's office for inclusion in the student's academic file.
  6. If a student submits an appeal, the Senate Student Academic Grievance Committee shall:
    - solicit and consider relevant material from the student, the Department Chair, the Professor, the Registrar's office, and other material as deemed necessary;
    - reach a decision concerning the appeal of the decision or the penalty imposed;
    - communicate its decision in writing to the Vice-President (Academic & Research), Department Chair, the professor, the student, and the Registrar's office for inclusion in the student's academic file.
- Note: The decision of the Senate Student Academic Grievance Committee shall be final.*
7. In all cases of alleged academic misconduct or academic grievance concerning the Department Chair, the Vice-President (Academic & Research) shall appoint an individual to act as Department Chair under these procedures.

## SECTION 2 - POLICY ON NON-ACADEMIC MISCONDUCT

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## 1. GENERAL

### 1.1. Policy Statement:

The University endeavours to create and maintain a positive and productive learning environment, an environment in which there is: respect for the dignity of all, fair treatment of individuals, and respect for University resources and the property of individuals.

### 1.2. Scope and Nexus to University

- 1.2.1. This policy applies to all students.
- 1.2.2. This policy applies to student non-academic misconduct that occurs:
  - 1.2.2.1. on University premises;
  - 1.2.2.2. in a course or course of study;
  - 1.2.2.3. as part of an activity offered by the University; and/or
  - 1.2.2.4. where a Student is representing the University, including, but not limited to circumstances where a Student is:
    - 1.2.2.4.1. participating in, or travelling as a part of, a University program;
    - 1.2.2.4.2. studying abroad as part of a program of the University or an exchange program between the University and an international institution in another country;
    - 1.2.2.4.3. participating in an internship, co-op placement or practicum;
    - 1.2.2.4.4. participating in a University club or organization, or a student club or organization, including student clubs or organizations sanctioned by the Students' Union; and/or
    - 1.2.2.4.5. at a University club or organization event, or a student club or organization event, including those sanctioned by the Students' Union.
  - 1.2.2.5. The University reserves the right to take necessary and appropriate action where there is a real and substantial link to the University or the university community, regardless of physical location.

### 1.3. Relationship to Other Policies

- 1.3.1. **Policy on Sexual Violence:** the Policy on Sexual Violence details prohibited conduct. Complaints about sexual violence (reports) will follow the procedures in this (Non-Academic Misconduct) policy.
- 1.3.2. **Residence Agreement:** the Residence Agreement is part of the lease agreement between student tenants and the University as Landlord. Violations of the Residence Agreement as well as Residence Community Standards will normally be addressed through those policies within the residence system. When alleged misconduct is of a serious nature, or involves sexual violence, the matter will be referred to this (Non-Academic Misconduct) policy.
- 1.3.3. **Athletics Code of Conduct:** While all allegations of non-academic student misconduct will be dealt with through this (Non-Academic Misconduct) policy,

student-athletes are also subject to the Athletics Code of Conduct. Sanctions applied through the Athletics Code of Conduct are in addition to those applied through the Non-Academic Misconduct policy. The Athletics Code of Conduct does not replace this (Non-Academic Misconduct) policy.

- 1.3.4. Professional Schools' Codes of Conduct (Social Work and Education): While all allegations of non-academic student misconduct will be dealt with through this (Non-Academic Misconduct) policy, the Schools of Social Work and Education have their own respective Professional Codes of Conduct to which students must also adhere. Violations of those codes will be handled by the relevant Director and faculty. Schools can use determinations of violations from this (Non-Academic Misconduct) policy as part of their processes.

#### 1.4. Rights of the Complainant

- 1.4.1. The right to be fully informed about the process and various options available.
- 1.4.2. The right to be treated with dignity, respect, and offered support throughout the process.
- 1.4.3. The right to an investigation and decision process that is closed to the public.
- 1.4.4. The right to pursue criminal or other charges regardless of the status of the complaint with this policy.
- 1.4.5. The right to present their story and any relevant/supporting information.
- 1.4.6. The right to have one advisor/support individual present at all investigation meetings. The advisor cannot be a lawyer.
- 1.4.7. The right to confidentiality within the process (see section 1.7)
- 1.4.8. The right to withdraw the complaint at any time.
- 1.4.9. The right to have a support person assist in the writing or transmission of a complaint, especially in cases involving trauma.
- 1.4.10. The right to know the outcome of the process.

#### 1.5. Rights of the Respondent

- 1.5.1. The right to a fair and impartial process, and to be fully informed about that process at the outset.
- 1.5.2. The right to be made aware of the allegations against them, any supporting information from witnesses, and to be able to prepare a defense against those allegations
- 1.5.3. The right to an advisor in investigation, decision, and appeal meetings. The advisor cannot be a lawyer.
- 1.5.4. The right to suggest witnesses of their own.
- 1.5.5. The right to reasonable timelines of the process as outlined in this policy.
- 1.5.6. The right to confidentiality within the process (see section 1.7)
- 1.5.7. The right to know the outcome of the process.

- 1.5.8. The right to appeal decisions of the Director of Student Services and Residence Life as per section 3 of this policy.

## 1.6. Parallel Proceedings

- 1.6.1. A Student may be subject to an investigation pursuant to this Policy regardless of any parallel action by civil, administrative or criminal authorities against the Student relating to the same or similar conduct.
- 1.6.2. Nothing in this Policy prevents anyone, including professional licensing bodies, from proceeding with civil, administrative or criminal actions independent of any University action.
- 1.6.3. Nothing in this Policy prevents Professional Programs at the University from investigating, reviewing and resolving conduct that is a violation of their professional codes.
- 1.6.4. Nothing in this policy prohibits anyone from launching a complaint about the same or similar conduct with the New Brunswick Human Rights Commission at the same time as a complaint under this policy.

## 1.7. Confidentiality

- 1.7.1. The University seeks to respect the privacy of all those involved in complaint processes. During the investigation process participants are directed not to discuss the process with others, and the University will not share information about ongoing cases. This does not limit students from seeking support or sharing their story, but rather is intended to respect the dignity and rights of all individuals involved in the process, as well as the integrity of the process until it is concluded.
- 1.7.2. Consistent with the University's policy on Release of Information About Students, information regarding the outcome of the process will be shared only with those who have a legitimate need for the information.

## 1.8. Records

Records of all complaints, decisions, sanctions, and appeals will be maintained as confidential records of the Student Services Office until one year after the Student (Respondent) graduates from the University, at which time they will be destroyed. Copies of Decision Letters will be held by the Registrar's Office indefinitely.

## 2. PROCEDURES:

### 2.1. Filing a Complaint

- 2.1.1. Any individual, including all members of the university community or public, who believes that a student may have committed a violation of the Policy on Non-Academic Misconduct may file a complaint under this procedure.
- 2.1.2. All complaints should be brought to the attention of the Director of Student Services and Residence Life:
  - 2.1.2.1. Via email: [director.studentlife@stu.ca](mailto:director.studentlife@stu.ca)
  - 2.1.2.2. Via Student Services central phone: 506-453-7213
- 2.1.3. Complaints should include the following information when possible:

- 2.1.3.1. name and contact information for the complainant
- 2.1.3.2. a description of the incident
- 2.1.3.3. name of the alleged respondent
- 2.1.3.4. names of potential witnesses.
- 2.1.4. Complainants are encouraged to submit their complaints in a timely manner. Complaints for most offences will only be pursued if they are received within 3 months of the alleged conduct. This timeframe does not apply to allegations of sexual violence or other serious offences.
- 2.1.5. The Director will advise the complainant on relevant support services available and explore options and potential routes for the complaint.
- 2.1.6. Third-party complaints, from witnesses to an event may be accepted at the discretion of the Director, but consideration will be given to the desires of the person(s) directly harmed by the incident.
- 2.1.7. Anonymous complaints will not be taken forward.
- 2.1.8. The Director, in consultation with the Complainant, will then decide on a path forward, which may include:
  - 2.1.8.1. Investigation: an investigation will occur when the complaint, when taken at face value, may constitute a violation of this policy.
  - 2.1.8.2. Referral to another procedure: when the complaint is not relevant to this policy, or another policy or organization (on or off campus) would be better suited to handling the complaint.
  - 2.1.8.3. Informal resolutions: if both the complainant and respondent agree to participate, informal resolutions such as mediation may be sought. Informal resolutions may be attempted, and if unsuccessful, an investigation may commence.
  - 2.1.8.4. Dismissal: a complaint will be dismissed when it appears on face value to not constitute a violation of this policy. If an investigation does not go forward the complainant may request written reasons for the decision.

## 2.2. Interim Measures

In the event that the Director determines that there are concerns for the wellbeing of anyone involved in the process, non-punitive interim measures may be assigned. These measures include but are not limited to: no-contact orders, trespasses (from certain areas or all of campus), switching sections of a course, moving a residence student, etc. These measures do not presume guilt and exist only until the conclusion of the conduct process. Interim measures may be imposed immediately upon receipt of the complaint, or at any time during the investigation process.

## 2.3. The Investigation Process

The purpose of the investigation is to gather facts and statements relevant to the behavior or incident in question. All parties have the opportunity to make submissions and witnesses (if applicable) will also be interviewed. There is a presumption of innocence during the investigation process.



- 2.3.1. Investigations will be completed by a Conduct Officer, normally the Director of Student Services and Residence Life, but may be referred to the Associate Vice-President (Enrolment Management), the Manager of Residence Life, or an external Conduct Officer.
- 2.3.2. During the investigation, the complainant will have the opportunity to submit any supporting evidence to their complaint, and suggest any witnesses to the Conduct Officer.
- 2.3.3. The Conduct Officer will meet with (in person, phone, or electronically) witnesses, who may be suggested by both the complainant and respondent.
- 2.3.4. Within ten (10) business days of receiving the complaint, the Conduct Officer will provide the respondent with notice that a complaint has been made, information about this process and their rights within it, and arrange a time for an investigative meeting.
- 2.3.5. During the investigative meeting, the Conduct Officer will ask for the respondent's submission regarding the events in question, to bring forth any evidence of their own or suggest witnesses of their own. During this meeting, the respondent may be accompanied by one advisor, to act in a support/advisory manner. The advisor cannot be a lawyer.
- 2.3.6. If the respondent fails to cooperate with the investigation or to be reasonably available for a meeting, the Conduct Officer may proceed without the input of the respondent.
- 2.3.7. After meeting with the complainant, respondent, and witnesses, the Conduct Officer may contact those parties again to request further relevant information or to clarify information previously given.
- 2.3.8. At the conclusion of the investigation the process will move to a Hearing.

## 2.4. Hearing

- 2.4.1. The purpose of the Hearing is to provide the respondent with an opportunity to fully respond to the accusations against them, and evidence gathered during the investigation.
- 2.4.2. In advance of the Hearing, the respondent will be provided with the following:
  - 2.4.2.1. a proposed date for the Hearing and notice of the right to reschedule within reasonable time frames;
  - 2.4.2.2. a report including the alleged misconduct, as set out in the Complaint and other pertinent facts, evidence and particulars gathered during the investigation;
  - 2.4.2.3. notice of the right to be accompanied by one Advisor, who cannot be a lawyer;
  - 2.4.2.4. a link to a copy of the Student Non-Academic Misconduct Policy and any other applicable University policies; and
  - 2.4.2.5. that a decision may be made in the Respondent's absence if the Respondent fails to appear for the Hearing.
- 2.4.3. The Conduct Officer who investigated the case will normally preside over the

Hearing. In circumstances when an external Conduct Officer has performed the investigation or other issues arise, another Conduct Officer may preside over the Hearing, having received the investigation report.

- 2.4.4. A note-taker (staff member other than the Conduct Officer) will be present at the Hearing to record the proceedings.
- 2.4.5. Hearings are not open to the public and are confidential.

## 2.5. Determination

- 2.5.1. Upon conclusion of the Hearing, the Conduct Officer shall, given the evidence found in the course of the investigation and the submissions at the Hearing, make a determination on a balance of probabilities whether or not a violation occurred.
- 2.5.2. If it is found that no violation occurred, both the complainant and respondent will be notified within 10 days of the conclusion of the investigation.

## 2.6. Sanctions

- 2.6.1. If a determination that a violation of this policy has occurred, the Conduct Officer will then determine a sanction based on the following criteria:
  - 2.6.1.1. seriousness of the offence and impact on members of the campus community,
  - 2.6.1.2. whether the respondent has a history of violations of the policy,
  - 2.6.1.3. other mitigating or aggravating factors
- 2.6.2. One or more of the following sanctions may be imposed by the Conduct Officer:
  - 2.6.2.1. written warning;
  - 2.6.2.2. written reprimand;
  - 2.6.2.3. discretionary sanction – work assignments, educational assignments, restorative measures, service to the University or other discretionary assignments that are considered appropriate;
  - 2.6.2.4. letter of behavioural expectations – an undertaking not to engage in certain behaviour and setting out the consequences if the requirements set out in the letter are not followed;
  - 2.6.2.5. monetary compensation for loss, damage or injury or replacement of damaged or destroyed property;
  - 2.6.2.6. monetary fine;
  - 2.6.2.7. trespass from campus;
  - 2.6.2.8. loss of privileges – denial of specified privileges for a designated period of time;
  - 2.6.2.9. withdrawal from one or more courses;
  - 2.6.2.10. restrictions on participating in a University club or organization or in certain activities of a University club or organization;
  - 2.6.2.11. other appropriate sanction as determined by the Director.
- 2.6.3. The following sanctions may be imposed by the Director upon approval

of the Associate Vice-President (Enrolment Management) or Registrar:

- 2.6.3.1. suspension of the Student from the University for a specified period of time, after which the Student is eligible to return. Conditions for readmission may be specified;
- 2.6.3.2. expulsion – permanent separation of the Student from the University;
- 2.6.4. In the event that a student does not adhere to a sanction, the Director may impose an additional sanction.

## 2.7. Decision Letter

- 2.7.1. Within ten (10) business days of the conclusion of an investigation process or Hearing, the Conduct Officer will issue the respondent a Decision Letter, which will include:
  - 2.7.1.1. An overview of the complaint, investigation, and Hearing;
  - 2.7.1.2. The determination of whether or not a violation occurred;
  - 2.7.1.3. Details of sanction(s) if applicable;
  - 2.7.1.4. Information on appeal procedures.
- 2.7.2. The decision letter will be emailed to the respondent, and copied to: the Registrar, and other relevant offices as necessary including but not limited to Residence life, Campus Security, Program Director, Chair, or Dean.
- 2.7.3. The complainant will be notified of the process status and determination.

## 3. APPEAL PROCESS

- 3.1. A Respondent who has been found responsible for Student Non-Academic Misconduct may appeal the decision of the Conduct Officer to the Vice-President (Academic and Research) within ten (10) Business Days of receiving the decision. If the Vice-President (Academic and Research) is unavailable, the Registrar will act in their place.
- 3.2. A Respondent may appeal the decision of the Conduct Officer on the following basis:
  - 3.2.1. relevant evidence has emerged that was not available at the time of the original decision;
  - 3.2.2. the Student Non-Academic Misconduct Policy was not followed and the outcome of the case might have been substantially affected by this failure; or
  - 3.2.3. the severity of the sanction imposed exceeds the nature of the misconduct for reasons identified by the Respondent.
- 3.3. To file an appeal, a Respondent shall be required to submit the following information, in writing, to the Vice-President (Academic and Research):
  - 3.3.1. a copy of the decision;
  - 3.3.2. a statement of the grounds for appeal;
  - 3.3.3. a statement of facts relevant to the basis of appeal;
  - 3.3.4. a statement of the remedy sought; and
  - 3.3.5. any supporting documentation that the Respondent intends to refer to at the appeal hearing.

- 3.4. If the respondent fails to provide proper documentation as noted above or the grounds for appeal are not consistent with the above, the Vice-President may reject the appeal without a hearing. Written notice of such decision would be provided.
- 3.5. An Appeal Hearing before the Vice-President (Academic and Research) will be scheduled within ten (10) Business Days of the Respondent filing the appeal. Timelines may be extended by mutual agreement of the Respondent and the Vice-President (Academic and Research) or in extenuating circumstances by the Vice-President (Academic and Research) with notice to the Respondent. The Appeal Hearing will not be open to the public and will be kept confidential.
- 3.6. The respondent may be accompanied by one advisor at the Appeal Hearing, the adviser cannot be a lawyer.
- 3.7. If deemed necessary, at the sole discretion of the Vice President (Academic and Research), Appeal Hearings may be adjourned to ensure that essential information can be obtained. If an Appeal Hearing has been adjourned, it will be reconvened within five (5) Business Days.
- 3.8. The Respondent will be provided with written notice of the outcome of the Appeal Hearing within ten (10) Business Days of the conclusion of the Appeal Hearing. Timelines may be extended in extenuating circumstances by the Vice-President (Academic and Research) with notice to the Respondent.
- 3.9. Decisions of the Vice President (Academic and Research) are final.

#### 4. PROHIBITED CONDUCT

The general categories of prohibited conduct as set out in this section are deemed to include similar conduct using new technology and similar conduct occurring in new or novel situations

##### 4.1. Actions Against Persons

A Student shall not cause or threaten to cause harm to another individual, or endanger the safety of another individual. Prohibited conduct includes, but is not limited to:

- 4.1.1. stalking, bullying or otherwise engaging in a pattern of behaviour directed at a specific person or group of persons that would cause a reasonable individual to fear for their safety or suffer emotional distress;
- 4.1.2. assaulting another individual sexually, or threatening another individual with sexual assault or committing an act of sexual harassment toward another individual; or otherwise committing an act of sexual violence as defined in the University's Policy on Sexual Violence;
- 4.1.3. engaging in hazing or any act that harms, or could reasonably be expected to harm the mental or physical health or safety of another person, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization; and
- 4.1.4. engaging in a course of vexatious conduct, bullying or other harassment that is directed at one or more persons and that is based on grounds protected by the New Brunswick Human Rights Act and the University's Harassment and Discrimination Policy.

4.1.5. Harassment, for the purposes of this Policy, means engaging in a course of comment or conduct that is known or ought reasonably to be known to be unwelcome. This includes any unwelcome comments, conduct or gestures that provoke, irritate, threaten, annoy, insult or demean, or result in some other form of discomfort, or words or actions that demean or cause humiliation, offense or embarrassment to another person and/or which adversely affects the employment, social or academic status of the individual. Harassment includes:

- 4.1.5.1. Discriminatory Harassment
- 4.1.5.2. Personal/Psychological Harassment
- 4.1.5.3. Sexual Harassment

4.1.6. Discrimination is defined as the act of treating a person or group unequally by imposing unequal burdens, obligations, disadvantages, or preferences on the basis of the person's race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation, sex, gender identity, social condition, political belief or activity, or any other grounds covered by the New Brunswick Human Rights Act.

## 4.2. Actions Against Property

A Student shall not:

- 4.2.1. damage, deface, or destroy the property of another individual, corporation or other entity, including the University;
- 4.2.2. create a condition that unnecessarily endangers or threatens destruction of the property of another individual, corporation or other entity, including the University;
- 4.2.3. use University property, facilities, equipment or materials for an unauthorized purpose;
- 4.2.4. enter or remain in any University building or area without authorization when the building or area is officially closed or restricted for designated purposes or to designated individuals; or
- 4.2.5. misuse the University electronic communications system or otherwise violate the ITS Lab Policies.

## 4.3. Disruptions of University Functions, Activities, and Services

A Student shall not:

- 4.3.1. obstruct another individual or group of individuals from carrying on their legitimate activities, or from speaking or associating with others; or
- 4.3.2. interfere with the functions, activities and services of the University or a student group or groups such that the function, activity or service is obstructed or disrupted. Examples of functions, activities and services include but are not limited to:
  - 4.3.2.1. social, cultural, academic and athletic events
  - 4.3.2.2. field trips
  - 4.3.2.3. computing services

- 4.3.2.4. registration services
- 4.3.2.5. library services
- 4.3.2.6. residence and food services
- 4.3.2.7. governance meetings and judicial hearings

#### 4.4. False Information and Identification:

A Student shall not:

- 4.4.1. knowingly provide false information to any office or individual acting on behalf of the University or student group;
- 4.4.2. alter or forge any University document or record, including identification materials, issued by the University;
- 4.4.3. allow any University document or record, including identification materials, issued for one's own use to be used by another;
- 4.4.4. use any University document or record other than for its authorized purpose; or
- 4.4.5. act for or on behalf of the University unless expressly authorized to do so.

#### 4.5. Possession or Use of Dangerous Objects, Drugs, or Alcohol

A Student shall not:

- 4.5.1. possess, use, manufacture, sell, exchange or otherwise distribute firearms, explosives or other weapons in violation of any applicable law;
- 4.5.2. possess, use, manufacture, produce, sell, exchange or otherwise distribute any drug in violation of any applicable law; or
- 4.5.3. possess, consume, furnish, manufacture, sell, exchange or otherwise distribute any alcoholic beverages except as permitted by applicable law.

#### 4.6. Aiding in the Commission of an Offence

A Student shall not:

- 4.6.1. encourage or aid another Student in the commission of Student Non-Academic Misconduct.

#### 4.7. Contravention of Other Laws and University Policies

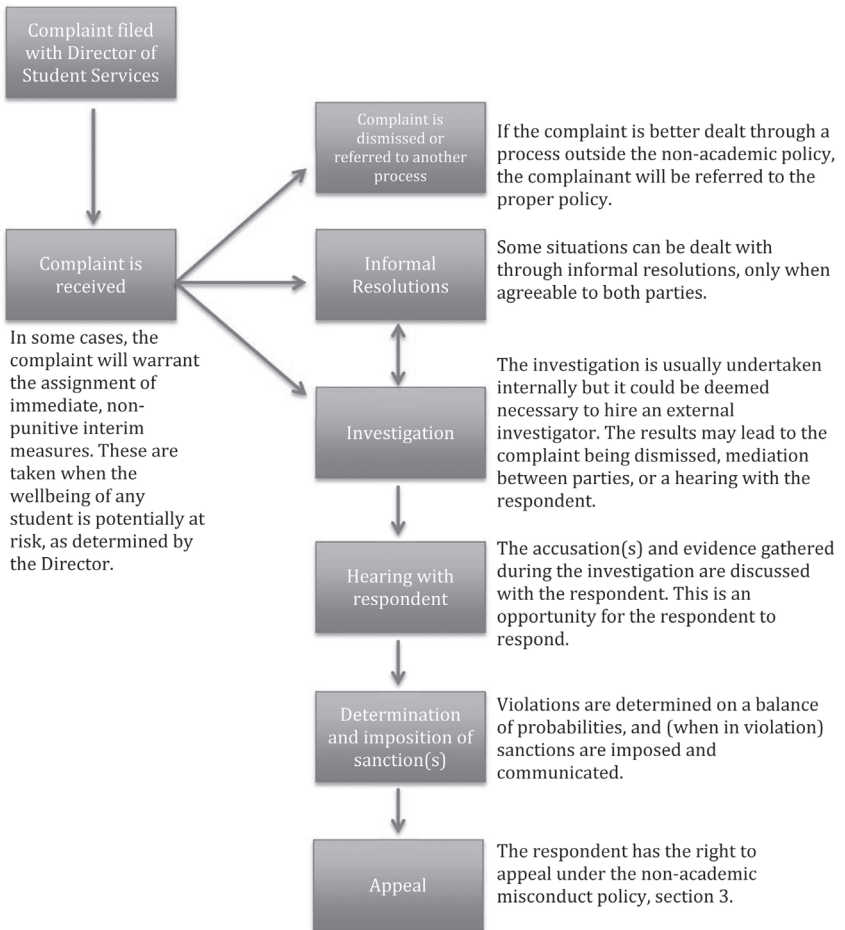
A Student shall not:

- 4.7.1. contravene any provision of the Criminal Code of Canada or any other federal, provincial, or municipal law;
- 4.7.2. contravene any University Policy except that a contravention of the Student Academic Misconduct Policy shall be dealt with under that policy and not as Student Non-Academic Misconduct.

#### 4.8. Failure to Comply with a Sanction:

If a Student disregards or ignores a sanction imposed in accordance with the Student Non-Academic Misconduct Policy, the Student shall be deemed to have committed a breach of this Policy and such non-compliance shall constitute fresh Prohibited Conduct.

# Non-Academic Misconduct Complaint Resolution Procedure Flowchart



## SECTION 3 - STU ATHLETICS CODE OF CONDUCT

### 1. INTRODUCTION

The Varsity Athletics program at St. Thomas University is an environment of coaches, student athletes and staff engaged in a competitive setting designed to offer another experience for students to grow and mature.

Varsity and club athletes are not only representatives of their sport, but are considered ambassadors of St. Thomas University and the Department of Athletics. In all three roles, they are expected to display exemplary conduct which reflects the privileged position that they occupy. The Athletics Code of Conduct (hereinafter “the Code”) has been implemented to facilitate a clear understanding regarding what is appropriate behaviour both on the field of play and as representatives of St. Thomas University and the Department of Athletics off the playing field.

### 2. PURPOSE

The purpose of this Code is to ensure consistency regarding the expected behaviour and actions of varsity and club athletes who are representing St. Thomas University both on and off the field of play. The Code sets out resolutions for inappropriate behaviour that are primarily corrective and educational, however punitive measures may be utilized if deemed appropriate by the administrators of the Code. The Code also sets the means of appeal for athletes.

### 3. SCOPE

The Code will apply to the conduct of varsity and club athletes while on St. Thomas University premises or off campus when acting as delegates or designated representatives of the University. The code will also apply to non-sanctioned off campus events where one or more team members or team alumni are associating, where the central purpose of the association is to promote or facilitate team cohesion, camaraderie, or fellowship. The Code will always apply when a varsity or club athlete is alleged to have engaged in misconduct while wearing the uniform and/or accoutrements of their team or sport, regardless of the location or time in which the problematic conduct is exhibited.

### 4. HARASSMENT & HAZING

1. Harassment, for the purposes of this Policy, means engaging in a course of comment or conduct that is known or ought reasonably to be known to be unwelcome. This includes any unwelcome comments, conduct or gestures that provoke, irritate, threaten, annoy, insult or demean, or result in some other form of discomfort, or words or actions that demean or cause humiliation, offense or embarrassment to another person and/or which adversely affects the employment or academic status of the individual.
2. Hazing is prohibited at St. Thomas University. Hazing refers to any activity expected of someone joining a group (or to maintain full status in a group) that humiliates, degrades or risks emotional and/or physical harm, regardless of the person's willingness to participate. For example, hazing may occur when a group of students requires or pressures newcomers to undergo actions that tend to demean, embarrass, humiliate or otherwise compromise the emotional or physical well-being of the persons who perform them. Such behavior includes coerced consumption of alcohol. St. Thomas University and the Department of Athletics maintain a zero tolerance stance towards hazing or team Initiation activities, events, or rituals of any kind.



This list of prohibited practices is intended to provide examples of hazing that can occur during any initiation/training process and active membership to an organization/team. Because it is impossible to anticipate every situation that could involve hazing, this list should not be considered all-inclusive. Any infraction of the below can result in disciplinary sanctions.

Psychological hazing, which is defined as any act which is likely to: (a) compromise the dignity of another; (b) cause embarrassment or shame to another; (c) cause another to be the object of malicious amusement or ridicule; (d) or cause psychological harm or substantial emotional strain.

- Line-ups of the new members/recruits, or grilling individuals or groups with questions of any kind.
- Deception prior to the end of an initiation process to convince a new member that he or she will not complete initiation/training.
- Forcing, coercing, or permitting students to disrupt scheduled classes, public forums, or other facets of the University's academic programs such as creating activities that are so time consuming that students cannot go to class, do homework, sleep, etc.
- All forms of physical activity not a part of an organized athletic contest and not specifically directed toward constructive work (push-ups, sit-ups, morning walks, calisthenics, etc.). No one truly knows the physical limitations of individuals and the safety of our students must always come first.
- The application of foreign substances to the body, such as throwing food, spraying water of any temperature, etc.
- Such activities, such as scavenger hunts that result in illegal activity, new member ditches, kidnaps, unity walks, blindfolding, etc.
- Forcing, coercing, or permitting students to be deprived of sufficient sleep. (Eight consecutive hours per day is the required standard.)
- Any paddling, swatting, or individual or collective spanking.
- Personal errands run by new members for returning organization members.
- Assigning pranks such as stealing, painting objects, or harassing another team/organization.
- Depriving students of access to their residence hall rooms such as taking their keys, making them spend the night in another's rooms or at a house, etc.
- Not providing decent and edible food (i.e., no unusual combinations or preparation, colored foods, raw food, strange combination shakes, etc.).
- Depriving student access to means of maintaining a normal schedule of bodily cleanliness (including a minimum of one shower per day).
- Forcing, coercing or permitting students to eat or drink foreign or unusual substances such as raw meat, salt water, onion, hot peppers, baby food, etc.
- Forced nudity and/or forcing, allowing or suggesting that students dress in a conspicuous, embarrassing, and/or degrading manner.
- Forcing, coercing, allowing, suggesting, or permitting students to drink excessive amounts of alcohol.
- Branding/Tattooing any part of the body, whether voluntary or involuntary.
- Forcing, coercing or permitting an individual to be "buried alive", for any period of

time.

- Forcing, coercing or permitting students to disrupt the operation of the University dining halls.
- Any form of punishment/and or demerit system is prohibited.
- Any activity or ritual that involves the abuse or mistreatment of an animal

## 5. VIOLATIONS

Student athletes who are participating in a formal or informal team or sporting event on campus or off and who violate this Code will first be subject to the processes and if necessary sanctions under the Code. The Policy and its procedures may be employed where there are questions about the application of the Athletic Code of Conduct and/or other related policies following consultation between the Director of Athletics and the Director of Students Services and Residence Life. All varsity and club athletes are required to review, sign and abide by ten (10) expected behaviours, outlined in the following document: Code of Conduct for Varsity and Club Athletes at St. Thomas University. The Agreement which outlines the Code is the measure that will be used to assess and issue Code violations.

## 6. SANCTIONS

Appropriate sanctions for violations of the Code include, but are not limited to one or a combination of the following:

- A letter of reprimand by the athlete's coach copied to the Director of Athletics;
- Suspension of the individual or team for one or more competitions;
- Suspension of the individual or team for an entire season;
- Removal of funding from the team;
- Revoking an Athletics facility privilege (e.g., access to J.B. O'Keefe Centre);
- Mandated individual or team community service;
- Any additional sanction imposed as a consequence of proceedings according to the St. Thomas University Code of Student Conduct.
- Due to the time-sensitive nature of the sporting season, every effort will be made to render a decision before the athlete or team's next competition.

## 7. APPEALS

Individual athletes or teams may appeal a sanctioning decision in writing within three working days of the decision. Appeals to be submitted to the Director of Students Services and Residence Life.

## CODE OF CONDUCT AGREEMENT FOR VARSITY AND CLUB ATHLETES AT ST. THOMAS UNIVERSITY

Participation in varsity and club sport is a privilege and not a right. Expectations for conduct for varsity athletes, in addition to those set out in the policies applicable to all students of the University (including varsity and club athletes) are as follows:

- Varsity and club athletes are required to conduct themselves in accordance with St. Thomas University policies and with this Code of Conduct.
- Varsity and club athletes are expected to devote themselves to their team throughout the year, during the entire training period for their sport, and to bring to the attention of their coach any conflicts or problems which they foresee might reasonably interfere with the fulfilment of these expectations.
- Varsity and club athletes are expected to separate themselves from any conduct that

might be considered unsporting or that might bring their own reputation, the reputation of the team, the University or their sport into disrepute. Examples of unsporting behaviour include participation in any form of hazing, or any initiation rite which would be considered demeaning, humiliating or disrespectful as measured by the standard of the reasonable person. (Participation will be deemed to include passive participation or failure to act to end such behaviour by others where one reasonably knew or ought to have known it was taking place.)

- Varsity and club athletes are expected to treat everyone with courtesy and respect within the context of their sport, regardless of gender, place or origin, colour or ethnicity, religion, political belief or economic status. This requirement prohibits any form of harassment or discrimination by a varsity or club athlete.
- Varsity and club athletes must abide by the rules and regulations of their sport, as set out by the regional and/or national sport-governing body. Varsity and club athletes, who perceive any conflict between the Policy and/or the Code, and the requirements of the rules and regulations of their sport, must immediately seek clarification from their coach.
- Varsity and club athletes are expected to avoid the use of anabolic steroids or other illegal performance-enhancing drugs and techniques (e.g., blood doping), as are outlined by the Centre for Ethics in Sport. Varsity and club athletes who engage in or observe the use of such substances or techniques by another student varsity or club athlete are required to report the conduct to the Director of Athletics.
- Varsity and club athletes are expected to avoid any negative interaction or conflict with members of opposing team except as they occur in the actual course of competition and which constitute, on behalf of their teams, the legitimate expression of the competitive spirit of their teams or team members.
- Varsity and club athletes are expected to avoid the illegal use of “recreational” drugs (e.g. marijuana, cocaine, hashish) as well as the illegal and/or excessive consumption of alcohol. Varsity and club athletes are expected to refrain from providing recreational substances, including alcohol, to anyone who has not attained the age of majority.
- Varsity and club athletes are expected to exhibit conduct at all times which complements or adds to the University’s reputation and resources.
- Varsity and club athletes are expected to recognize and to pursue academic success while a student varsity or club athlete at the University.

## E. Withdrawal From University

Students who choose to withdraw officially from University should contact the Registrar’s Office. The student will be assisted in notifying the various offices of the University, including Residence, Financial Services, and the professors. The effective date of withdrawal is the date on which the Registrar accepts the withdrawal. A student who withdraws may be entitled to a partial refund of tuition fees.

## F. Academic Appeal Procedures

In any academic appeal procedure, the University is committed to the principles of natural justice. The officers and committees of the University will hear the appeal in a fair and impartial manner, with due respect for the parties’ rights and sensitivities. There are two