

**Code of Student Conduct
(non-academic)**

COMPANION DOCUMENT

Laurentian University

May 2005

CODE OF STUDENT CONDUCT (NON-ACADEMIC) COMPANION DOCUMENT

1. Preamble

Laurentian is a vibrant university which enjoys a great sense of community. It is dedicated to establishing and maintaining an environment conducive to effective teaching and learning. Laurentian also encourages social activities and recognizes the freedom of expression and the rights of individuals.

Policies and regulations are in place to ensure that University members can share equally in the benefits of the University community. Students enjoy many rights and privileges but also share the responsibilities associated with their status as students. The Code of Student Conduct will help to ensure that students share in the true sense of community throughout their time at Laurentian.

To achieve these goals, Laurentian University and the Federated Universities of Huntington, Sudbury, and Thorneloe, in virtue of their respective Acts of Incorporation, have agreed to apply this Code to ensure that:

- a) Teaching and learning take place in a proper environment;
- b) University employees are able to perform their duties without undue disruption or hindrance;
- c) Academic and general University facilities are available to those who wish to use them for their stated purposes;
- d) Members of the community enjoy freedom of expression and movement, and freedom from harassment; and that
- e) Property and information belonging to the University or to individuals, whether tangible or intangible, are protected.

This Code of Conduct does not apply to the Affiliated Universities.

2. Definition of a Student

For the purposes of the Code, a student is any undergraduate, graduate, full-time, part-time, distance education student, auditor, or continuing student, who, in her or his status as student, has access to University services, programs or activities.

3. Jurisdiction of this Code

- a) The Code deals with the general behaviour of students, individually and collectively, as members of the University and/or its constituent parts, in academic, social or recreational settings, whether on or off campus.
- b) Students are both members of Canadian society in general and of the University community. Therefore, they must observe not only Federal, Provincial and Municipal laws but also University policies and regulations.

c) Students should also recognize that membership in one community does not confer any form of immunity from the requirements or sanctions of the other. Regardless of the actions or inaction of any authority outside the University, a student found responsible for misconduct under this Code is subject to its disciplinary sanctions.

4. Offences

It is an offence under this Code for a student to:

- a) Disrupt the legitimate academic, non-academic or administrative activities and functions of the University;
- b) Harm members of the University community or its visitors where such conduct is not covered under the provisions of the University=s Harassment Policy and Complaint Procedures and other University policies;
- c) Endanger the health or safety of members of the University community or its visitors where such conduct is not covered under the provisions of the University=s Harassment Policy and Complaint Procedures and other University policies;
- d) Impair the rights of members of the University community or its visitors where such conduct is not covered under the provisions of the University=s Harassment Policy and Complaint Procedures and other University policies;
- e) Destroy, damage or adversely affect intellectual or physical property belonging to members of the University community or its visitors;
- f) Destroy, damage or adversely affect University intellectual and/or physical property;
- g) Gain unauthorized access to or make unauthorized use of University facilities, equipment or services;
- h) Obstruct University officials in the legitimate exercise of their authority;
- i) Contravene Federal, Provincial or Municipal laws, by such conduct that could reasonably have an impact on the health, safety, or security of any members of the University community;
- j) Knowingly or wilfully bring a false charge against any member of the University community under this Code.

5. Examples of Misconduct Against Person(s):

- a) Assault of another person, the threat of bodily harm to another person, or knowingly causing another person to fear bodily harm, as defined by the Criminal Code of Canada;
- b) Sexual assault, the threat of sexual assault, or causing another person to fear sexual assault, as defined by the Criminal Code of Canada;
- c) Acts which include the endangerment of the health and safety of other persons;
- d) Damaging or threatening damage to a person=s property or knowingly causing a person to fear damage to her or his property;

Engaging in a course of vexatious comment or conduct toward one or more individuals that is known or ought reasonably known to be unwelcome and is based on race, ancestry, place of origin, color, ethnic origin, citizenship, creed, gender, sexual orientation, age, marital status, family status, handicap, or record of offences of that person or persons, as defined by the Ontario Human Rights Code. Misconduct of this kind is addressed under the Laurentian University Harassment Policy and Complaint Procedures through the Harassment Office;

- f) Action as defined in the Criminal Code of Canada, Section 264 (Criminal Harassment), which includes behaviour committed on or off University property which cause a person or persons to fear for their own safety or the safety of persons known to them, and/or adversely affects the freedom to participate in the University's academic or non-academic activities. Such conduct includes but is not limited to:
 - i) Behaving in a threatening manner toward a person or any other member of her or his family, professional colleagues or friends;
 - ii) Persistently and/or repeatedly communicating or attempting to communicate with a person or anyone known to that person, directly or indirectly, when such communication is known to be or should be known to be unwelcome;
 - iii) Persistently and/or repeatedly following a person or anyone known to that person from place to place on campus and/or off campus; and/or
 - iv) Persistently and/or repeatedly attending and/or watching a residence, or other place where a person or anyone known to them lives, works, or carries out some activity of daily living;
- g) Engaging in disruptive behaviour which a person knows or reasonably ought to know unduly interferes with or obstructs any legitimate University activity, including studying, learning and teaching, and/or the rights of others to conduct, to benefit from or to participate in such activities;
- h) Knowingly and maliciously making false accusations against another student or students under this Code. This is not to be confused with making a *bona fide* complaint that is found to be without merit;
- i) Retaliating or attempting to retaliate against any person or persons for making a complaint under this Code.

6. Examples of Misconduct Involving Property:

- a) Theft, destruction or damage of any University or personal property, including intellectual property and information;
- b) Being knowingly in possession of stolen University or personal property, including intellectual property and information;
- c) Damaging or defacing the interior or exterior of University buildings and facilities including signage, parking installations and other equipment.

7. Examples of Unauthorized Access to or Use of University Facilities, Equipment or Services:

- a) Unauthorized entry or trespass on University premises, contrary to policy or to the expressed instruction of University authorities;

- b) Unauthorized and/or fraudulent use of University equipment or services including photocopy cards, meal cards, telephones, or parking cards;
- c) Unauthorized access to and use of computing or communications equipment or systems with disruptive, personal or commercial intent;
- d) Unauthorized alteration or destruction of any stored information such as data, records or software under the control of the University.

8. Examples of Misconduct Against University Authority

- a) Failure or refusal to comply with University policies and regulations or with the verbal or written directions of duly authorized officials acting in an official capacity;
- b) It is the responsibility of students to ensure that friends or other visitors conduct themselves in accordance with University policies and regulations;
- c) Counselling, procuring, conspiring with or otherwise aiding any person or persons in the commission of an offence under this Code;
- d) Failure or refusal to comply with a sanction or sanctions imposed subsequent to a finding of responsibility for an offence under this Code.

9. Examples of Statutory Proscribed and/or Illegal Conduct

- a) Unauthorized possession, consumption, distribution or sale of alcohol as defined by the Liquor License Act of Ontario and reiterated in University policy;
- b) Possession, cultivation, use or trafficking of illegal substances;
- c) Tampering with, or rendering inoperable any of the University's fire and safety equipment including making false alarms, illegitimate use of extinguishers or fire hoses, unauthorized opening of fire doors, disabling emergency telephones, blocking emergency exits, and setting unauthorized fires or any such action causing endangerment to individuals and to property;
- d) Unauthorized possession, use or storage of firearms, ammunition or other weapons;
- e) Unauthorized possession of noxious, flammable, explosive or pyrotechnic materials in areas or conditions other than those approved or designated by authorities;
- f) Misrepresentation of self or University name.

10. Complaints:

Any member of the University community may file a complaint of misconduct against a student or students under this Code.

Code of Student Conduct Enforcement Procedures

1. Code Enforcement Procedures

1.1 Complaints Officers:

- 1.1.1 Pursuant to this Code, Complaints Officers shall be officials and/or designated staff of the following offices:
- § Student Affairs
 - § Dean=s Offices
 - § Community Rights Advisor
 - § Security and Parking
 - § Academic Chairs
 - § Residences= Office
 - § President=s Office or the Vice-Presidents= Offices
 - § Program and facility managers
- 1.1.2 To ensure adequate coverage and availability across campus, the Presidents and Vice-Presidents have the authority to amend the list of Complaints Officers as changes in the administrative structure occur.

1.2 Responsibilities of Complaints Officers

- 1.2.1 In the interests of providing fair and expeditious treatment of complaints for both the complainant and the respondent, the overriding principle shall be to deal with allegations of student misconduct at the appropriately lowest level. The role of a Complaints Officer in no way replaces the authority of a Unit Head to address a problem brought to her/his attention in her/his area. A student may appeal the action of the Unit Head through the Code of Student Conduct.
- 1.2.2 In situations involving sexual assault, Complaints Officers should notify the Department of Security and Parking without delay. Upon consulting with the complainant, the Security Officer shall make the necessary referrals or initiate the appropriate intervention.
- In situations involving sexual assault, sexual harassment, or other forms of harassment, Complaints Officers should notify the Harassment Office without delay. Upon consulting with the complainant, the Community Rights Advisor shall take appropriate action. When a complaint is filed under the Laurentian University Promotion of a Healthy Learning and Work Environment Policy, a second complaint for the same incident cannot be filed under the Code of Conduct.
- 1.2.3 The function of the Complaints Officer is to meet with the complainant to hear the concerns and to determine if the alleged misconduct falls within the jurisdiction of the Code of Student Conduct (non-academic). If it does not, the Complaints Officer will explain why it does not and make the appropriate referral.
- 1.2.4 If the alleged conduct does fall within the jurisdiction of the Code, the Complaints Officer will receive the complaint and forward it to the Office of Student Affairs or the Department of Security and Parking if unavailable.
- 1.2.5 In the event that more than one complaint is filed concerning the same alleged incident of misconduct, these shall normally be processed as one complaint.

- 1.2.6 Upon receiving a complaint, the Department of Security and Parking will either investigate the complaint and/or keep a record of the complaint.
- 1.2.7 After the alleged incident has been investigated by Laurentian University Department of Security and Parking, normally within 10 working days, a report of the findings shall be submitted by the security officer to the Complaints Officer and the Office of Student Affairs.
- 1.2.8 The Office of Student Affairs will convene a meeting of the appropriate University officials to determine the necessary action to be taken by the University, normally within 10 working days.

1.3 Filing a Complaint:

- 1.3.1 Any member of the University community or the University itself may file a complaint of misconduct against a student or students under this Code.
- 1.3.2 A complainant must submit the complaint in writing, normally within 20 working days following the alleged misconduct.
- 1.3.3 The signed complaint should contain the following information: the name or names of the alleged perpetrator(s) of the misconduct, the date and location of the incident(s), the name or names of witnesses to the incident(s) as well as the description of the alleged misconduct or incident.
- 1.3.4 Complaints Officers may accept complaints after the 20 working-day period if they determine that there are extenuating circumstances for the delay in filing the complaint within the prescribed period.
- 1.3.5 Should a Complaints Officer not accept a complaint after the 20 working-day period, he or she shall notify the complainant in writing of the reason(s) for the refusal.

2. Sanctions

- 2.1 In keeping with the teaching and learning mission of the University and in an effort to achieve the appropriate balance between the needs of the student(s) and the interests of the University community, the following factors might be considered when meting out sanctions:
 - S circumstances of the incident(s);
 - S the extent and severity of the misconduct, including the effects on other members of the University community;
 - S the deliberateness or inadvertence of the misconduct;
 - S the significance of the misconduct as an isolated incident or as part of a pattern of misbehaviour, and
 - S the educative and/or rehabilitative potential of the sanction;
 - S student=s non-academic record.
- 2.2 Adjustments may be required to the existing internal sanctions established by certain services or units, such as in residences and sports facilities, so that they conform to the stipulations of the Code. In situations where a disparity appears between internal administrative sanctions and those specified under the Code, the provisions of the Code shall prevail.

2.3 Possible sanctions are one or more of the following:

- 2.3.1 Admonishment or Warning: Written notice informing a student that her or his actions were unacceptable and that any repetition of the proscribed conduct within a conduct probation period of one to three months from the issuance of the notice may lead to more severe disciplinary action. Admonishment may also serve to confirm a verbal warning.
- 2.3.2 Formal Reprimand or Censure: Written reprimand for having violated a particular University regulation or directive from an official of the University. It will serve to advise a student that additional disciplinary sanction may be applied if he or she is found responsible for any further breaches of a University regulation within a six to twelve month conduct probation period from the issuance of the reprimand.
- 2.3.3 Requirement to undergo counselling for a specified period, subject to confirmation with the appropriate counselling services.
- 2.3.4 Requirement to provide a verbal or written apology to the complainant(s).
- 2.3.5 Disciplinary Probation: Notice of exclusion from certain University privileges, services, activities or facilities which do not directly impact on a student's academic activity including residence accommodation, Pub privileges or access to licensed functions for a duration of one to twelve months or longer if subsequently determined by the appropriate sanctioning body/University officials.
- 2.3.6 Fines not to exceed \$100 (one hundred dollars) which are to be remitted to the Students' Bursary Fund.
- 2.3.7 Community service.
- 2.3.8 Restitution for damaged or stolen items not to exceed the actual market value.
- 2.3.9 Students found responsible for further misconduct while serving sanctions for previous misconduct are subject to added penalty under this Code.
- 2.3.10 The following sanctions have academic consequences and shall be imposed by the Vice-President, Academic, where it has been deemed that the offence or offences allegedly committed are so serious as to threaten the academic functioning and/or security of the University, the class, department (academic or administrative), faculty or campus levels and/or the ability of other students to continue their studies in an acceptable learning environment:
 - 2.3.10.1 An order requiring a student to withdraw from a particular course resulting in a transcript notation upon final disposition of the matter;
 - 2.3.10.2 An order for suspension or expulsion from a department, faculty or facility. Such an order shall be communicated as soon as possible to the Director of Security and to other appropriate University officials involved in the area where the expulsion has occurred. These sanctions will also produce a transcript notation upon final disposition of the matter.

- 2.3.10.3 An order for suspension or expulsion from the University. Such an order is under the authority of the Vice-President, Academic, unless there is an emergency situation which demands immediate intervention. The Director of Security shall be contacted as soon as possible in order to ensure compliance. These sanctions will also produce the notation on the student's transcript of "required to withdraw for non-academic offences" upon final disposition of the matter.

2.4 Transcript Notations:

- 2.4.1 A grade F and the symbols RW (required to withdraw) will be entered by the Registrar in the grade column of the student's academic Transcript and Grade Report for the courses relating to the requirement to withdraw for non-academic offences. These notations remain on the transcript and are not expunged.
- 2.4.2 The notations "suspended" or "expelled" from the "Faculty" or "University" for "non-academic offences" will be entered on the student's Transcript and Grade Report by the Registrar upon receipt of such notice from the Vice-President, Academic.
- 2.4.3 As the result of readmission to, and successful completion of a degree program at the University, the notations "suspended" or "expelled" from the "Faculty" or "University" will be expunged from the student's record.

2.5 Emergency Ban:

- 2.5.1 An emergency ban which causes the immediate removal of a student from any class, department, administrative unit, faculty, residences or from the University, shall be initiated by the Department of Security and Parking if the conduct of the student or students presents a clear and present danger or a serious apprehended threat to the safety and security of any member or members of the University community.
- 2.5.2 The duration of a campus-wide emergency ban shall not exceed 7 working days without the written confirmation of the Vice-President, Academic. Notice of the ban will be sent to the Vice-President, Administration, Director of Security, the Office of Student Affairs, and the Unit Head(s) where the offence has occurred.
- 2.5.3 Emergency ban(s) may be stayed by a Vice-President, pending an appeal, at the written request of the student. No appeal will be heard under this Code until the procedures of the subject facility or program have been exhausted.
- 2.5.4 Notwithstanding the above sanctions, the University may also, in situations where it deems warranted, seek legal redress.

3. Appeal on Matters of Student Conduct

- 3.1 Any student having been imposed a sanction may apply for an appeal through the Office of Student Affairs.
- 3.2 The request must be made in writing stating the grounds for the appeal, the nature of the objection as well as the relief being sought and be submitted within 20 working days of the date of the Notice of Decision.

3.3 The deadline may be extended by the Chair of the Appeals Panel on Student Conduct if he or she determines that extenuating circumstances warrant such an extension.

3.4 An appeal shall only be granted on one or more of the following grounds by the same or a different panel:

3.4.1 The sanction(s) imposed was/were inappropriate or excessive;

3.4.2 New evidence has surfaced that was not available at the time the sanction was imposed which casts doubt on the validity of the decision and/or appropriateness of the sanction(s) and must be submitted no later than one year from the date of the Notice of Decisions which led to the appeal.

3.5 This Code does not preclude the retention or the establishment of internal appeal bodies found in administrative units including residences, Computer Services, the Pub, the Library and elsewhere.

3.5.1 Students who have been affected by orders of university officers may request an appeal by an internal appeal body. Students, who disagree with the actions or decisions arising from such internal appeal bodies as mentioned above, may request an appeal to the Appeals Panel on Student Conduct.

3.6 Composition of the Appeals Panel on Student Conduct

Upon request for appeal, an Appeals Panel will be established as described below:

3.6.1 Composition of the Appeals Panel

The Appeals Panel is a maximum of three representatives, one being a student, the other two (2) chosen from the following groups:

- \$ faculty
- \$ staff
- \$ administration

The Panel shall elect a voting Chair from the three (3) representatives with the Office of Student Affairs providing administrative support in a non-voting capacity.

3.6.2 The Panel's composition is three (3) people chosen by Student Affairs to take into account conflict of interest, language, availability, Federated University involved and a representational mix of students and university employees. In the event of an appeal involving a student of Aboriginal descent, she or he has the right to request that the Appeals Panel be composed of a majority of representatives of Aboriginal descent. Names of selected individuals serving on the Appeals Panel are communicated to the sanctioned student to determine the existence of biases or conflicts.

Upon receiving an appeal, the Office of Student Affairs shall consider the student's college or university affiliation as well as student association membership.

3.6.3 Students, Faculty, Administration or Staff members of the Appeals Panel on Student Conduct shall not be Complaints Officers under the Code for that complaint, nor have participated in any capacity in the decision being appealed.

- 3.6.4 Student members on the Appeals Panel on Student Conduct shall not be officers of the Student Association to which they belong, nor employees of the student associations.

3.7 Authority and Procedures of the Appeals Panel on the Code of Student Conduct

- 3.7.1 Upon receipt of the application and relevant documentation, the Appeals Panel shall have the authority to allow an appeal to be heard or to refuse to hear an appeal for lack of grounds. In the latter case it shall inform the student(s) of the reasons for its decision.
- 3.7.2 Upon hearing an appeal request, the Panel can substitute its own finding, grant the appeal and either remove or reduce the sanction(s). It can also reject the appeal and alter or confirm the original decision and sanction(s), or increase the sanction(s) subject to the provisions of the Code described in Section 2 of the Enforcement Procedures. It may also consider written requests that sanctions, including emergency bans, be stayed pending the outcome of the appeal.
- 3.7.3 Normally within 10 working days of receipt of the application or request to appeal a sanction, the matter shall be assigned to the Appeal Panel.
- 3.7.4 Documentation required for the appeal shall consist of:
- § the complainant=s written statement;
 - § the investigator=s report;
 - § the written report of the Complaints Officer, if any;
 - § the Notice of Decision of the sanctioning body;
 - § completed appeal request letter;
 - § any other information relating to the matter under appeal.
- 3.7.4.1 The Panel will only accept new evidence if the grounds for appeal are under section 3.4.1 and 3.4.2.
- 3.7.5 Documentation must be released to the parties no less than 7 working days before the Appeal. Parties to the appeal must present their submissions, additional evidence and list of witnesses to the Office of Student Affairs in accordance with this requirement.

Hearings will be conducted following full disclosure procedures, thus, any request to submit new material may be considered by the panel.

3.8 Procedures

- 3.8.1 Upon receipt of the necessary documentation, the Appeals Panel shall normally convene a hearing within 15 working days and give notice of the Hearing to both parties. If necessary, a longer period may be negotiated with the parties.
- 3.8.2 The procedures will adhere to the principle of natural justice.
- 3.8.3 Although safeguards against bias have been applied at the level of the Appeals Panel selection process, the Chair of the Appeals Panel should again ensure that no person(s) has/have previously been directly involved in the matter under appeal or that no Panel member is biased toward either of the parties.

- 3.8.4 Each of the parties to a hearing of the Appeals Panel may be accompanied by one other person who is acting in a supportive or advisory capacity.
- 3.8.5 Upon prior written request to the Appeals Panel and with consent of the other parties, other persons may be permitted to attend the hearing, such as observers from the faculty or other unions, or the parents of the student, provided they do not participate in or interfere with the proceedings.
- 3.8.6 The Appeals Panel may hear an appeal on the basis of both oral (in-person) and/or written submissions. Only the student and the University representative shall have standing to make representations before the Appeals Panel. In the case of oral presentations, parties will normally be allowed 20 minutes to make their position known. If additional time is needed, this will be requested in advance of the hearing.
- 3.8.7 The number of witnesses and frequency of cross-examination may be limited by way of a majority of Appeals Panel members where the evidence or cross-examination would be redundant or irrelevant.
- 3.8.8 Should a respondent refuse or fail to appear before the Hearing Panel, without due notice or just cause, the hearing will proceed, a decision will be rendered in the student=s absence and such refusal or failure to appear will be noted in the decision.
- 3.8.9 The decision of the Appeals Panel is the decision of the majority. Under the Code of Student Conduct the decision is final.
- 3.8.10 The written decision and reasons shall be hand delivered or sent by registered mail to the parties involved within 10 working days following the decision of the Panel by the Office of Student Affairs or the Department of Security and Parking.
- 3.8.11 All documentation relating to the appeal and to the Hearing shall be remitted to the Office of Student Affairs following the Hearing. An annual report will be made available by Student Affairs.