

 <b>DALHOUSIE UNIVERSITY</b>  <b>Code of Student Conduct</b>	<i>Policy Sponsor:</i> Senate	<i>Approval Date:</i> Senate: June 9, 2014
	<i>Responsible Unit(s):</i> Student Affairs	<i>Revisions:</i> Senate: November 27, 2017; May 22, 2018; April 26, 2021 University Secretary (as delegated): June 21, 2021; September 13, 2021

**A. Background and Purpose**

The University occupies a special place in society as an academic community with a responsibility for the discovery and sharing of knowledge in our diverse community. This aspiration can only be fulfilled with a commitment from all members of the University community to a living, learning and working environment that is free of discrimination, harassment and violence and is also characterized by understanding, respect, trust, openness and fairness.

The University takes responsibility to create and promote this environment with the expectation that all members of the University community, including Students, are committed to upholding it.

The University recognizes the complexity of Student life at a post-secondary institution, and understands that Students may have differing experiences and backgrounds. Nevertheless, Students are responsible for their own actions and interactions with others. Students are required to conduct themselves responsibly in accordance with this Code of Student Conduct (“the Code”) and to be individually responsible for their actions whether acting on their own or in a group.

The primary purpose of the Code is to ensure that appropriate Student behaviour is well understood. This includes transparency and consistency in expectations for conduct and an educational and restorative approach to remedies. Punitive approaches may be deemed applicable in some circumstances.

The Code:

1. Defines Student rights, responsibilities and expectations;
2. Identifies activities and behaviours that constitute non-academic misconduct;
3. Ensures transparency, consistency and predictability in policies and procedures;

4. Identifies the process by which Student non-academic misconduct will be addressed.

## **B. Application**

Every Student enters into a contractual relationship with the University by which they:

- a. acknowledge the right of the University to set standards of conduct through this Code;
- b. accept and agree to be subject to this Code; and,
- c. accept the right of the University to impose sanctions, including interim sanctions, for conduct found to have violated this Code.

### **The Code applies:**

1. This Code applies to non-academic misconduct by a Student or group of Students that takes place:
  - a. on University property;
  - b. off University property, including online activities, in circumstances where:
    - i. a Student is participating in a sanctioned University activity, regardless of where that activity takes place;
    - ii. a Student represents, claims to represent or would reasonably be perceived to be representing, the University
  - c. in the context of an academic program, including conduct that occurs when a Student is participating in:
    - i. any class activity, including a lecture, tutorial, lab, classroom discussion forum or the like, on or off University property or online; and,
    - ii. any organized academic activity, such as a clinical placement, exchange, field placement, field trip, internship, research activities that occur virtually or off University property.
2. Nothing in this Code prohibits Student participation in lawful and peaceful public assemblies and demonstrations, nor inhibits Students' lawful and non-violent freedom of expression. This does not, however, relieve a Student who is also an employee of the University of employment-related obligations.
3. Nothing in this Code replaces or supersedes any complaint, grievance or appeal process set out in any collective agreement to which the University is a party.

The Code does not apply:

4. Student conduct that falls outside the scope of this Code will be addressed by other University policies and procedures are, including but not limited to:
  - a. Academic misconduct as per the Faculty Discipline Procedures Concerning Allegations of Academic Offences
  - b. Discrimination offences as per the Statement on Prohibited Discrimination
  - c. Sexualized violence offences as per the Sexualized Violence Policy
  - d. Misconduct specific to residence living as per the Residence Code of Conduct
  - e. Use of Information Technology (IT) Resources as per the Acceptable Use Policy
  - f. Classroom Recording as per the Classroom Recording Protocol
  - g. University process for addressing alleged failures to meet professionalism standards, where applicable, even when actions are being taken under the Code.
  - h. Student conduct that occurs in the context of the Dalhousie Student Union, as per their policies.

**Considerations for determining application to the Code:**

5. In circumstances where alleged conduct would constitute a violation of more than one policy applicable to Student conduct, the Manager, Student Conduct will consult with the other relevant parties to determine the appropriate procedure(s) to be followed in consideration of the offence and content of all policies. Specifically, in matters of application between academic vs non-academic misconduct, the Manager, Student Conduct will consult with University Secretariat to determine which policy applies. Given the unique relationship and intersection between the University and University of King's College; in cases where a King's Student is impacted and, where permitted by law, the Office of the Vice-Provost, Student Affairs, where appropriate, will consult with and/or coordinate support with the Dean of Students, University of King's College.
6. Procedures under this Code may be undertaken before, at the same time as, or after, civil, or criminal proceedings. If a report of misconduct has also resulted in civil or criminal proceedings against a Student, the Vice-Provost Student Affairs will determine whether the case under this Code should be suspended until the resolution of such other proceedings.

## C. Definitions

In this Code:

1. "Academic misconduct" refers to any behaviour intended to gain unearned advantage over another person violating the principle of equal opportunities for learners to demonstrate and be recognized for their abilities. A member of the University who attempts, or who assists any other person in an attempt, to fulfill, by irregular procedures, any requirements for a course.
2. "Complainant" refers to a:
  - a. Member of the University community who has made a Disclosure or Report of a Code violation; or
  - b. Representative of the University administration, such as Security Services or the Registrar's office, who has made a Report of a Code violation as outlined in section F.4 University Report.
3. "Disclosure" refers to the sharing of information by a Member of the University community or Visitor with the Manager, Student Conduct.
4. "Disruption" refers to a disturbance or problem which interrupts an event, activity, or process, preventing members of the University Community from engaging in the operations or activities of the University.
5. "Investigative Stream" refers to the process where a Report is investigated by an Investigator and where disciplinary, remedial educational and/or restorative outcomes may result.
6. "Investigator" refers to the person selected from a pool of qualified, experienced and trained individuals who may be external or internal to the University available to conduct investigations under the Investigative Stream of this Code.
7. "Member(s) of the University community" refers to faculty, staff and students of the University and others engaged in activities under the auspices of the University.
8. "Non-academic misconduct" refers to actions by a Student that are in violation of their responsibilities under this Code and actions that constitute a defined offence under this Code. It also includes behaviour that violates civil or criminal statutes.
9. "Non-Investigative Stream" refers to the process where a Report is addressed without an investigation through remedial, educational and/or restorative outcomes.
10. "Premises" refers to lands, buildings and grounds of the University, or other places or facilities used for the provision of the University's programs or services or for University-approved events and activities.
11. "Report" refers to a written statement of allegations submitted to the Manager, Student Conduct by a Complainant about an experience of non-academic misconduct.
12. "Respondent" refers to a Member of the University community who the Complainant is alleging committed a violation of the Code.
13. "Restorative Approach" refers to a process that considers the impact on the people and their relationships at interpersonal, social and institutional levels. It aims at understanding and addressing the harms and needs of those affected and to support just relations in the future. A restorative approach brings together those who have been affected, those with

responsibility for what happened and those who can support a way forward. The restorative process generally results in plans in which those responsible agree to take actions to address harms and needs related to the misconduct and take the steps necessary to secure a just outcome for the future.

14. "Sanctioned activity" refers to an activity that has been approved by the University through a University administrator authorized to do so.
15. "Student" refers to a person registered in or enrolled at the University in any academic work or placement for a program that leads to the recording and/or issue of a mark, grade or statement of performance in a university-recognized Student information system.
16. "Student Conduct Office" refers to the University office that handles cases of alleged Student non-academic misconduct.
17. "Support" – refers to support persons or any other supports approved under the Student Accommodation Policy that a Student needs during these procedures. This role is that of observer or emotional support and they do not have independent participation in the process. Support can include but is not limited to: parent, friend, elder, translator, spouse.
18. "University Official" refers to any university employee including but not limited to administration, staff, faculty, Security Service, facilities staff and contract employees who in the ordinary course of their duties have the authority to limit access to University property, programs and services.
19. "University Report" refers to the University Administration bringing forward a complaint of non-academic misconduct under this Code.
20. "Vice-Provost Student Affairs" refers to the head of Student Affairs or their delegate.
21. "Visitor" refers to anyone who is not a member of the University community, who is on the University property, or who is engaged in activities on the University property or with Members of the University community, and includes, but is not limited to, friends and other personal guests of Students, patrons of businesses located on the University property, contractors, agents, vendors, guest lecturers, conference attendees, and visiting scholars.

## **D. Policy**

### **D1. Rights, Responsibilities and Expectations**

All University Students have an obligation to familiarize themselves with this Code as it applies to their particular role as a Student in order to ensure that they are aware of their rights, responsibilities and expectations to the University community.

The University upholds and will take reasonable steps to ensure that Students, as members of the University community, are aware of their Rights, Responsibilities and Expectations, as follows:

- 1. Environment of mutual respect and dignity**
  - a. Students have a right to and responsibility for contributing to a learning environment of mutual respect where the dignity of all members of the University Community is valued.
- 2. Freedom of Discussion**
  - a. The University values freedom of speech and supports peaceful protest.
  - b. The traditional privileges of freedom of inquiry and freedom of expression which are enjoyed by members of the University community can be assured only if all members of the community share the responsibility of granting these freedoms to others and accept the obligation of a standard of behaviour which respects the rights of others.
  - c. Students may think, speak, write, create, study, learn, pursue social, cultural and other interests and associate together for these purposes subject to the principles of mutual respect for the dignity, worth and rights of others.
- 3. Assembly**
  - a. Peaceful assemblies, demonstrations and lawful picketing are allowed in accordance with the law.
- 4. Fair Process**
  - a. The University will work collaboratively to resolve campus disagreements or complaints. Responses will be handled in a fair and equitable manner adherent to principles of procedural fairness and a restorative approach.
  - b. A Student who is alleged to have committed a non-academic offence has the right to know the details of the allegation and to provide a full response.
  - c. The Complainant and the Respondent will be consulted to determine whether the response to a Code complaint will be non-investigative or investigative.
  - d. Opportunities for a restorative approach will be available throughout the resolution process.
  - e. A Respondent's participation in the Code process is voluntary although it does not absolve them of responsibility. If a Respondent chooses not to participate, the procedure will still go forward. Any restorative approach, however, requires the participation of all parties.

**5. Reprisal**

- a. A Student who makes a complaint in good faith under the Code has the right to do so without reprisal or retaliation.

**6. Individual responsibility and accountability**

- a. Students are expected to be individually responsible for their actions whether acting individually or in a group. Students have an obligation to make legal and responsible decisions concerning their conduct.
- b. In the exercise of its authority and responsibility, the University treats Students as free to organize their own personal lives, behaviours and associations subject only to:
  - i. University policies and regulations, municipal bylaws, and provincial and federal legislation, including the Criminal Code of Canada;
  - ii. The peaceful and safe enjoyment of the University campus and facilities, including the peaceful and safe enjoyment of its residences; and
  - iii. The freedom of members of the University community to participate reasonably in the University and its activities. (Note: This section is not to be used to subvert #2 - Freedom of Discussion – above).
- c. The University recognizes that the use of alcohol and cannabis in an appropriate and legally permissible manner and when approved by the University where applicable is ultimately the responsibility of the individual. Intoxication does not release any individual from full and complete responsibility for their behaviour and its consequences.
- d. Students are responsible for advising their Visitors about this Code and the required standards of appropriate conduct and violation(s) of this Code. Students may be held responsible for the conduct of their Visitor(s) to the extent that they encouraged the misconduct, or if the Student knew of or could have reasonably foreseen the misconduct and failed to take steps to discourage or prevent it.

**7. Social Media and Online Learning**

- a. The University recognizes the importance of technology and social media within our teaching and learning environment as well as administration. The online learning environment and social media, created and supported by the University, including the associated interaction platforms, is an extension to the traditional classroom and constitutes university sanctioned activities.
- b. Students are expected to conduct themselves in the same manner, following the guidelines outlined in this Code, equally within the online environment as within the traditional classroom.

**8. Right to Representation**

- a. Students have the irrevocable right to have representation present during any inquiries or hearings pursuant to this Code. Students are responsible for finding, arranging for and ensuring the presence of the representation at such inquiries or hearings. An example of such supports is Dalhousie Student Advocacy Services (DSAS)

## **9. Humane and Ethical Conduct towards Animals**

- a. The University strives to foster a culture of embracing positive animal welfare principles and requirements that ensure animals, whether used in research, teaching and assistance or service / support animals are healthy, productive, treated with kindness and respect, and maintained in a species appropriate, safe and secure environment. Students working with animals should be familiar with the 5 Freedoms Principles of Humane Animal Care. Expectations for animal treatment are outlined in this Animal Welfare Statement.
- b. All Students who are in contact with animals are expected to:
  - i. Be familiar with and abide by current regulations and best practices under Federal, Provincial and Canadian Council of Animal Care (CCAC) guidelines and agree to uphold high standards of animal welfare and ethical conduct in all interactions with animals as stipulated by CCAC.
  - ii. Be familiar with and abide by regulations and best practices under National Farm Animal Care Council (NFACC) guidelines for the care and handling of farm animals.
  - iii. Work with animals in a kind, positive and compassionate manner at all times.

## **10. Ethical Conduct towards Human Remains:**

- a. The University has a number of comprehensive undergraduate programs and degrees that offer courses / labs involving human remains.
- b. It is expected that Students show respect both within and outside the teaching lab. This includes treating the remains with dignity and respect and using discretion when discussing any issue relating to human remains outside the anatomy-teaching lab.
- c. All Students who are in contact with human remains are governed by the 'Anatomy Teaching Laboratory Regulations.' prepared and approved by the Department of Medical Neuroscience.



## **D2. Types of non-academic misconduct**

Non-academic misconduct can take the form of a single act, repeated acts, or be part of a pattern of behaviour that taken in its entirety constitutes a violation of this Code.

Types of non-academic misconduct described below are examples and are not intended to be exhaustive.

### **1. Abuse of process**

- a. Failure to comply with this Code;
- b. Knowingly making a false report or helping someone else to make a false report of misconduct using this Code;
- c. Interference with the administration of this Code, such as:
  - i. a misrepresentation or false statement during an investigation or proceeding;
  - ii. trying to discourage any individual's participation in, or use of, a misconduct process;
  - iii. any direct or indirect retaliation (e.g., through coercion, intimidation, threats or social pressure) against a Complainant, or a potential witness in a misconduct case;
  - iv. disrupting, or otherwise interfering with, the orderly conduct of a misconduct proceeding;
  - v. electronically or digitally recording, in any format, a misconduct proceeding without the express permission of the Chair of the proceeding; or,
  - vi. harassing (physically, verbally, or in writing), intimidating or attempting to influence, the impartiality of any individual in a decision-making role in a misconduct process.

### **2. Alcohol, Cannabis and drug use**

- a. Consumption of cannabis or alcohol on University Property except where it is specifically permitted under the Residence Code of Conduct or the University Alcohol Policy.
- b. Consumption or possession of alcohol or cannabis by a person under the age of 19, or furnishing alcohol or cannabis to a person under the age of 19.
- c. Consumption of a narcotic or controlled substance, except if permitted by law and University policy, including the possession or consumption of prescription medication for purposes other than that for which it was prescribed by a licensed medical professional.
- d. Cultivating or growing cannabis on University Property, except as may be related to University research.
- e. The act(s) of selling, giving or administering, a narcotic or controlled substance, or the attempt or offer to do so, except as expressly permitted by law.
- f. Any act that causes any person to consume a substance (e.g., alcohol, cannabis, a narcotic or controlled substance) without their consent.

### 3. **Smoking**

- a. Smoking is governed under the University's Smoking policy.
- b. There are provisions to accommodate medically-required cannabis smoking. Students must be approved for this accommodation prior to engaging in activities that are contrary to this Code and /or other policies that apply.

### 4. **Contravention of Policy or Law**

- a. Violation of a University policy, rule, or procedure published or posted by the University. This includes formal or informal settlements pursuant to the Code, such as complying with a non-academic misconduct sanction, or other policies.
- b. Violation of a Municipal, Provincial or Federal law where the violation has a material negative impact to the university.

### 5. **Disruption or Interference**

- a. Disrupting or obstructing by action, threat or otherwise any sanctioned activity, including teaching, learning, research, administration, conference proceedings, events, clubs and extra-curricular activities is not acceptable. This includes conduct that disrupts the normal operations of the University or that infringes on the rights of another member of the University community although does not apply to lawful and respectful challenges to content or systemic issues.
- b. Interfering with, obstructing, disrupting, misleading, or failing to comply with the directions of, any official of the university, in the performance of their duties.
- c. Any action, conduct, display or communication that causes disruption to, or an obstruction of, the freedom of movement of any person on University Property.

### 6. **Hazing**

- a. Hazing activities include, but are not limited to, pranks, jokes, public ridicule, and any activity that does not respect an individual's rights, integrity, dignity, safety or well-being. Hazing includes conduct that is, or ought to be reasonably known to be:
  - i. abusive (physically or psychologically);
  - ii. demeaning;
  - iii. dangerous;
  - iv. humiliating;
  - v. ridiculing; or,
  - vi. contrary to this Code, to a University policy, rule or procedure, or to Municipal, Provincial or Federal law; that is used as a means of coercing, compelling, forcing, or otherwise socially pressuring, a person to gain or maintain: (i) membership in; (ii) the acceptance of; or, (iii) association with; any group or organization.
- b. Express or implied consent from, or the acquiescence of, the affected person(s) shall not be an excuse or defense for such behaviour.

**7. Possession of or Improper Use of Dangerous Objects or Substances**

- a. Possession or use of any weapon, explosive, chemical, biohazardous, radioactive or controlled material, or the like, except by authorized personnel and in an area formally designated for that purpose.
- b. Use of any object to injure, threaten or intimidate another person.

**8. Misconduct Against Persons and Dangerous Activity**

- a. Assault:
  - i. a person directly or indirectly applies force intentionally to another person without their consent. It can also occur when a person attempts to apply such force, or threatens to do so, without the consent of the other person.
- b. Harassment:
  - i. abuse, threats, intimidation, violence, pranks or other conduct that is known or ought reasonably to be known to be unwelcome, hostile, intimidating or threatening or that deliberately seeks to control, manipulate or otherwise harm another person.
  - ii. verbal, non-verbal, written, physical actions, behaviour or communication including comment or conduct through any electronic media regardless of where it originates.
- c. Discrimination:
  - i. an unjust or prejudicial form of unequal treatment that has the effect of imposing burdens, obligations, or disadvantages, or has the effect of withholding or limiting access to opportunities, benefits, or advantages,
  - ii. such behaviour that is directed at one or more specific persons and that is based on age, race, colour, religion, creed, gender identity, sexual orientation, physical disability, mental disability, and irrational fear of contracting an illness or disease, ethnic or national or aboriginal origin, family status, marital status, source of income, political belief or affiliation or activity of that person or of those with whom that person associates.

**9. Misconduct Against Animals**

- a. Any abuse, neglect, mistreatment of or harm to animals.
- b. Failure to report immediately to supervisory faculty or staff if they witness any abuse, neglect or harm to animals or if they have direct knowledge of a situation that may threaten animal welfare, including suspected sick or injured animals.

**10. Misconduct Against Human Remains**

- a. The teaching labs and other facilities are not open to the public and Students are not permitted to take video or photos or invite friends or family on tours. No specimens of any kind are to be removed from the labs.

**11. Misconduct Involving Property**

- a. Misappropriation, damage, unauthorized possession, defacement, vandalism or destruction of property on University Property, and property associated with a sanctioned activity.
- b. Theft or possession of property belonging to any person or entity without the permission of the rightful owner, including in circumstances where there was an intent to return the property.
- c. Use, misuse or abuse of University facilities, property, equipment, supplies or resources contrary to express instruction or without proper authorization.
- d. Interference with, obstruction of, or tampering with life safety or emergency equipment.
- e. Setting unauthorized fires.

**12. Misrepresentation, Failing to Provide or Providing False Information**

- a. Furnishing false information to an official of the University.
- b. Withholding information to purposely obstruct or derail the work of an official of the University.
- c. Possessing, distributing or using false or altered identification/credentials.
- d. Altering or misuse of official University documents.
- e. Failing to provide identification, upon reasonable request, to any official of the University for access to services, facilities and programs. Arbitrary requests, i.e., profiling, are prohibited.

**13. Misuse of University Information Technology**

- a. Altering or removing University computer files or software without proper authorization.
- b. Intentionally jeopardizing the confidentiality, integrity and availability of electronically maintained University information or data.
- c. Using the University's Information Technology resources to do anything that is a violation of the rights of others, such as displaying or distributing obscene, harassing, defamatory, or discriminatory material or messages that violate the Acceptable Use Policy.
- d. Using the University's Information Technology resources for any illegal activities or purposes.

**14. Misuse of Social Media**

- a. Instructor notes, electronic documents, lectures, and other course related content may not be recorded and / or shared or posted online unless authorized by the instructor to do so and in line with the Classroom Recording Protocol.
- b. The sale of any course material is strictly prohibited and constitutes theft.

**15. Unauthorized entry and/or presence**

- a. Unauthorized entry, attempted entry or presence in or on any University Property;
- b. Unauthorized entry, attempted entry or presence at any sanctioned activity.
- c. Refusing to leave University Property when instructed to do so by an official of the University acting within the scope of their duties.
- d. Knowingly inviting or admitting into or on University Property, a person known to be banned from University property.

**16. Aiding in the Commission of an Offence**

- a. Encouraging or aiding others, by words or by action, to engage in the commission of an act that is in violation of this Code, a University policy, rule or procedure.
- b. Encouraging or aiding others, by words or by action, to engage in the commission of an act that is in violation of a Municipal, Provincial or Federal law and that has a material negative impact to the University.

**Situations not specifically covered above:**

The university recognizes that unusual situations may arise that are not necessarily covered by the above Code, but still raise concern for the safety or well-being of Students or the University community or could be reasonable exceptions under a duty to accommodate. In such cases, the Vice-Provost Student Affairs reserves the right to use procedures outlined in this Code to ensure the safety, security and equity of Students and the University community as a whole.

## **E. Administrative Structure**

### **E1. Roles & Responsibilities**

- a. Authority: This Code falls under the authority of the Senate.
- b. Vice-Provost, Student Affairs: Vice-Provost Student Affairs is responsible for the administration of this Code.
- c. Manager, Student Conduct: a member of the Student Conduct Office and offers confidential support, crisis intervention, liaises with medical/legal/police services as needed, coordinates safety plans with Security Services, refers Complainant(s) and/or Respondent(s) to counselling and ongoing support, advises Complainant(s) and/or Respondent(s) on possible accommodations and processes outlined in this Code, refers them to Faculty-level supports, as needed, and provides other consultation and case management services (including incident logging). They consult and liaise with Security Services, Student Health & Wellness, Student Accessibility Centre, Human Rights and Equity Services, the Vice-Provost Student Affairs, and the Assistant Vice-President Human Resources, as appropriate.

### **E2. Reporting**

- a. At the end of each academic year, in line with SDC terms of reference, the Vice-Provost Student Affairs shall report to Senate concerning the work of the Committee and the decisions of Hearing Panels convened during the year. The Report may be made available to Members of the University community for information and learning purposes. Information provided does not include the individual identities of those involved.

### **E3. Code Review**

- a. This Code will be reviewed after the first two (2) years of this revision and then every five (5) years thereafter or earlier if deemed necessary by the Provost, Senate Learning & Teaching Committee (SLTC) or Vice-Provost Student Affairs.

### **E4. Related Resources and Policies**

- a. Related Resources:
  - i. Human Rights & Equity Services
  - ii. Security Services
  - iii. Dalhousie Student Advocacy Service
  - iv. Dalhousie Student Health & Wellness Centre (for Students)

- v. Ombudsperson (independent and impartial support)
- vi. Language Interpreter Services

b. Related Policies and Procedures

- i. Sexualized Violence Policy
- ii. Residence Code of Conduct
- iii. Information Technology Acceptable Use Policy
- iv. University process for addressing alleged failures to meet professionalism standards, where applicable, even when actions are being taken under the Code
- v. Faculty Discipline Procedures Concerning Allegations of Academic Offences
- vi. Senate Discipline Committee Jurisdiction and Procedures

## **F. Procedures:**

### **F1. Confidentiality and Its Limits**

1. Disclosures and Reports of non-academic misconduct will be kept confidential to the greatest extent possible, within the limitations described in this section.
2. Confidentiality is limited to those within the University community who need to know information to carry out their responsibilities under this Code, including providing accommodations, determining what, if any, interim measures are required, investigating a Report, responding to a Report and administering outcomes resulting from a Report. In all cases, the Manager, Student Conduct will share the least amount of information possible.
3. Confidentiality is limited in circumstances where a serious safety risk exists and/or the University has a legal obligation that requires it to act. Examples of such circumstances are:
  - a. where the Manager, Student Conduct, in consultation with the Vice-Provost Student Affairs, Director of Security, or any other appropriate Member of the University community, determines that the Complainant and/or the Respondent poses serious risk of harming themselves and/or another person(s);
  - b. where there are reasonable grounds to believe that one or more Members of the University community pose a serious and credible risk of harm to others based on information that has been provided;
  - c. where there is a legal obligation to report to authorities; or
  - d. where there is a legal obligation to act or cooperate in an extra-University judicial processes.
  - e. Information that must be disclosed pursuant to this section will be limited to the least amount of information possible for the University to fulfill its legal obligation.
4. For reporting purposes, the Manager, Student Conduct and Vice-Provost Student Affairs may disclose general information about Disclosures and Reports so long as all information is provided without identifying personal information or other information that may result in identifying individuals.

### **F2: Disclosures and Reports Generally**

1. A Disclosure and a Report are separate actions that a Complainant can choose to take. A Visitor can only make a Disclosure. Members of the university community can make a Disclosure and/or a Report.



2. The sharing of information about non-academic misconduct by a Student with another Member of the University community does not constitute a Disclosure under this Code. However, a Member of the University community shall listen compassionately without judgment, inform the individual about this Code, and refer the individual to the Manager, Student Conduct.
3. Time for filing a Disclosure or Report: The University recognizes that a Member of the University community or visitor may require time before deciding whether they wish to make a Disclosure or Report. While Complainants are encouraged to report as soon as possible following an event, a Disclosure or Report shall be filed within 12 months of the last occurrence of the alleged offence. This timeframe may be extended upon review of the circumstances and approval of the Vice-Provost Student Affairs.
4. Time for processing a Report: The University is committed to processing Reports within a reasonable timeframe with a view to fair process and balancing the needs of those involved to gather, review and respond to the information. Where reasonable, specific timeframes have been included within section 5 & 6, otherwise the Manager, Student Conduct will keep the Complainant and the Respondent informed of the expected timelines throughout the resolution process.
5. Parallel Proceedings:
  - a. Where there are parallel proceedings pending against a Student for conduct related to a Report, the Vice-Provost Student Affairs may, but does not have to, defer the processing of a Report. That deferral will be on such terms and conditions as are appropriate in the circumstances until the conclusion of all or part of the parallel proceedings.
  - b. Conviction of a criminal offence or other admission of guilt through the criminal process related to non-academic misconduct under this Code or a finding that provincial human rights legislation has been breached will be considered a violation of a parallel offence under this Code.
  - c. Examples of parallel proceedings: External Proceedings, such as criminal proceeding, civil proceeding, investigation or adjudication by the applicable human rights commission, an investigation or adjudication by the applicable provincial regulatory body; or
6. When making a Disclosure or Report:
  - a. Members of the University community or Visitors who witness or have concerns about an act of non-academic misconduct are encouraged to contact the Manager, Student Conduct.
  - b. The Complainant may provide the Manager, Student Conduct information on an anonymous basis and as such will be treated as a Disclosure.
  - c. Unless a Report is received, or the University initiates a University Report, the University cannot pursue any steps against a Respondent under this Code.
  - d. The Manager, Student Conduct will provide both the Complainant and the Respondent information of assistance available from the Ombudsperson and Dalhousie Student Advocacy Service as well as other applicable services.

- e. A Complainant can, at any time, choose to stop participating in the processing of their Report provided through the Report processes. In such circumstances, the Vice-Provost Student Affairs will determine if the matter can proceed without the Complainant's participation under the University Report Process (section F4).
  - f. A Complainant and Respondent can be accompanied by a support person and/or advocate at any time throughout the Disclosure or Report process.
  - g. The Complainant, the Respondent and any other Member of the University community or Visitor involved with a Disclosure or Report will be informed by the Manager, Student Conduct of their rights to confidentiality, as set out in section F1 of this Code.
  - h. The Manager, Student Conduct is an impartial third party and will address all Disclosures and Reports in a straightforward and transparent manner.
7. Once a Disclosure or Report is received:
- a. In making any determinations with respect to a Disclosure, Report or University Report, the Manager, Student Conduct and/or the Vice-Provost Student Affairs may consult with other appropriate University employees for advice. Any information shared will be done in accordance with section F1.1 of this Code.
8. Conflict of Interest:
- a. The Manager, Student Conduct, the Vice-Provost Student Affairs, or any other members of the University community who receives information to carry out their responsibilities under this Code, shall disclose any actual or potential conflict of interest with respect to a Disclosure or Report in accordance with the University's Conflict of Interest Policy.
  - b. Where the Complainant or Respondent is aware or has reasonable grounds to believe that an undisclosed actual or potential conflict of interest exists with respect to a Disclosure or Report, they shall report the matter to the Manager, Student Conduct.

### **F3. Disclosure Process**

1. A Disclosure does not result in a Report being made and does not initiate the Investigative or Non-Investigative Streams under this Code.
2. The Manager, Student Conduct shall listen compassionately without judgement and inform the individual about this Code.
3. The Manager, Student Conduct will ask the Complainant what their needs are and will inform the Complainant of support and services available. Those supports and services may include but are not limited to:
  - a. safety planning and protective measures;

- b. information about counselling services, including those available through Dalhousie's Student Health and Wellness Centre for the University's Students;
- c. access to medical services;
- d. learning, living, and/or working accommodations, such as Student residence relocation, class schedule changes, and academic accommodations, and
- e. Faculty-level supports.

#### **F4. University Report**

1. The University Administration as the Complainant may initiate a University Report where:
  - a. a Complainant has previously submitted a Report and has requested that the University take no further steps regarding their Report;
  - b. a Complainant has made a Disclosure but no Report and does not wish to participate in the processing of a Report;
  - c. a Visitor has made a Disclosure;
  - d. one or more Members of the University community or Visitors, by name or anonymously, have provided information about an act of non-academic misconduct; or
  - e. there has been more than one Disclosure made about more than one alleged act of non-academic misconduct allegedly committed by the same Respondent.
2. No University Report shall be initiated unless one of the circumstances set out in section F4.1 above applies and the Vice-Provost Student Affairs determines that:
  - a. proceeding with the processing of the University Report is in the interest of the health and safety of Members of the University community or consistent with its obligations and responsibilities; and
  - b. it is reasonably likely that sufficient evidence can be obtained to determine if the Respondent has committed an act of non-academic misconduct without the Complainant or Visitor's ongoing involvement where those individuals have indicated they do not wish to participate.

3. A University Report will be processed and responded to by the University in a manner that is consistent with the University's core values and principles and in the same manner as a Report and in accordance with the procedures set out in sections F5 and F6 of this Code except that:
  - a. all references to Report shall be read as University Report;
  - b. the Complainant will not be required to participate in any way;
  - c. there will be no communication with the Complainant about the University Report unless the Complainant has indicated they wish to be kept informed; and
  - d. any information that may have been sought from the Complainant that may be known by Security Services and/or Student Conduct Office will be obtained.

## **F5. Report Process**

### **F5.1. Submission of a Report**

- a. A Report shall be directed to the Manager, Student Conduct.
- b. A Report must be submitted by the Complainant in writing and include: the names of both the Complainant and the Respondent; a detailed description of the behaviour that forms the basis of the Report; and, where appropriate, an indication of the redress sought by the Complainant. The Manager, Student Conduct will assist the Complainant with submission of the Report and to understand the reporting process under this Code. A Report shall not include personal contact information of anyone named in the Report.
- c. Upon receipt of a Report, the Manager, Student Conduct will determine:
  - i. if the criteria in section B (Application section) of this Code have been met; and
  - ii. if based on the Report, there could be a finding that non-academic misconduct has occurred under this Code; and
  - iii. if the allegations in the Report are not being heard and have not been heard through another University process.
- d. If the Manager, Student Conduct determines that any elements in F5.1.c. have not been met, the Complainant will be advised of support and resources as appropriate, and that no further action with respect to the Report will be taken

and why. If new information is subsequently provided, this decision may be re-evaluated.

- e. If the Manager, Student Conduct determines that all of the elements in F5.1.c. have been met, the Manager, Student Conduct will determine whether the Report should proceed under the Investigative Stream or Non-Investigative Stream. In making that determination, the Manager, Student Conduct will consider the following criteria:
  - i. The Complainant's preference after receiving information about the Investigative Stream and Non-Investigative Stream;
  - ii. The safety of all parties and Members of the University community generally;
  - iii. The voluntary participation of the Respondent: To the extent that any informal resolution options involve the participation of the Respondent, the Respondent must be in agreement;
  - iv. Any necessary pre-conditions for restorative approaches, as applicable;
- f. The Manager, Student Conduct will notify the Complainant and the Respondent in writing of the decision made under F5.1.e as well as provide reasons for that decision and information on available resources, such as but not limited to the Ombudsperson and Faculty-level supports.

#### F5.2 Interim Accommodations

- a. When the Manager, Student Conduct receives a Report, they may meet with the Complainant to discuss available process options and to provide the Complainant with information about support and services. This can include information about interim measures that may be imposed upon the Respondent and accommodations with respect to the Complainant's own living and learning environments that can be put in place.
- b. Accommodations may include, but are not limited to, a Student residence re-location, class schedule changes, and academic accommodations.
- c. If the Complainant requests accommodations, the Manager, Student Conduct will assist the Complainant in obtaining the accommodations pursuant to the Student Accommodation Policy, while maintaining the right of the Complainant to confidentiality as outlined above in Section F1.

### F5.3 Interim Measures

- a. Interim measures are non-disciplinary conditions that may be imposed upon a Respondent where allegations in a Report would, if proven, constitute non-academic misconduct, and
  - i. with regard to all of the circumstances, are necessary to ensure (a) the safety and well-being of the Complainant, Respondent, and other Members of the University community or (b) the integrity of any potential investigation, or
  - ii. where there is evidence that the Respondent poses a threat of disruption or of interference with the operations of the University or the activities of Members of the University community.
- b. Where interim measures are imposed, they must be proportionate to the seriousness of the alleged act of misconduct and as minimally restrictive as possible upon the Respondent to achieve their purpose.
- c. At any time, following receipt of a Report, the Vice-Provost Student Affairs, after reviewing the circumstances of the complaint and seeking advice of other university employees with expertise such as, but not limited to, Student Conduct Office, Security Services and/or Student Health & Wellness, may determine there is a need for interim measures and which interim measures will be imposed. These consultations will be governed by section F.1 Confidentiality and its limits.
- d. Where interim measures are required, the Manager, Student Conduct will give written notice to the Respondent of any interim measures being imposed.
- e. Interim measures may include, but are not limited to:
  - i. Separating the Complainant and Respondent to minimize or prevent encounters in living and learning environments;
  - ii. Implementing no-contact agreements;
  - iii. Prohibiting the Respondent from being on some or all of the University premises and University-affiliated activities;
  - iv. Imposing a suspension on a Respondent.
- f. Interim measures may be challenged as follows:
  - i. The Respondent may appeal interim measures in writing to the Provost within ten (10) calendar days of the interim measures being imposed. The Vice-Provost Student Affairs will be given an opportunity to respond to the appeal in writing and the Provost will deliver a written decision on the appeal.
  - ii. Alleged breaches of interim measures are to be reported to the Manager, Student Conduct who will then refer the matter to the Vice-Provost Student Affairs to take appropriate steps to determine (a) whether the interim measures have in fact been breached and (b) if so, what action will be taken as a result of

any such breach. Where there is an immediate concern of risk to safety, the alleged breaches should be reported to Security Services.

## **F6. University Response to Report Submitted**

### **F6.1 Non-Investigative Stream:**

- a. If the Manager, Student Conduct determines that the Report will proceed under the Non-Investigative Stream, the Manager, Student Conduct will determine appropriate remedial, educational and/or restorative outcomes. Such outcomes vary depending on the nature of the Report and input from all parties involved. Examples of these outcomes include, but are not limited to:
  - i. Impact Statement/Letter, or Video: The Complainant communicates to the Respondent the harm that they have experienced, that the Respondent's behaviour is unwelcome and unwanted, and that the behaviour must stop immediately;
  - ii. Facilitation: The Complainant may request that the Manager, Student Conduct facilitate a discussion between themselves and the Respondent;
  - iii. Notification: The Manager, Student Conduct notifies the Respondent that the behaviour must stop immediately;
  - iv. Education: The Manager, Student Conduct arranges coaching, support, and educational opportunities for the Respondent and other Members of the University community as appropriate; and
  - v. Other processes or interventions of a restorative nature, such as talking circles.
- b. Where a remedial, educational or restorative outcome requires the voluntary participation of the Respondent or will otherwise impact the Respondent in any way, prior to being required to inform the Manager, Student Conduct if they will voluntarily participate or engage in any process whatsoever, the Respondent will be provided with:
  - i. written notice that a Report has been brought against them and that at this time the Report will be proceeding under the Non-Investigative Stream;
  - ii. a copy of the Report and this Code;

- iii. details of available advocacy and support services including an appropriate resource on campus and the right to access the Dalhousie Student Advocacy Services and other support persons throughout the process;
  - iv. a reminder of the use that can be made of the information learned while proceeding under the Non-Investigative Stream (as set out in section F5.1.d below); and
  - v. a reminder that this Code prohibits retaliation.
- c. The Manager, Student Conduct will work with all applicable parties to identify outcomes desired and design processes to achieve those outcomes. The Manager, Student Conduct will engage other university supports and services where appropriate.
  - d. Information shared by the Complainant and the Respondent under the Non-Investigative Stream can be used if the matter subsequently proceeds under the Investigative Stream as set out below under section F6.2.
  - e. If the Respondent is not willing to voluntarily participate in the desired remedial, educational or restorative outcomes, the Manager, Student Conduct may, after considering the factors outlined in section F5.1.e of this Code, decide to proceed under the Investigative Stream.
  - f. Where after reasonable efforts have been made to achieve the desired outcomes and those outcomes have still not been reached, the Manager, Student Conduct may, after considering the factors outlined in section F5.1.e of this Code, decide to proceed under the Investigative Stream.

#### F6.2 Investigative Stream

- a. If the Manager, Student Conduct determines that the Report will proceed under the Investigative Stream, the Manager, Student Conduct will:
  - i. Provide written notice to the Respondent that a Report has been brought against them. That notice will include a copy of the Report, a copy of this Code, details of procedures that will be followed, including the fact that an investigation will be proceeding, details of any interim measures imposed, details of available advocacy and support services (including an appropriate resource on campus and the right to access the Dalhousie Student Advocacy Service and other support persons throughout the process), a reminder that this Code prohibits retaliation, and contact information for someone to whom questions can be addressed;



- ii. Provide the Respondent fifteen (15) calendar days to provide a formal written response to the Report;
  - iii. Offer the Complainant the opportunity to receive a copy of the Respondent's written response to the Report, if one is received;
  - iv. Appoint an Investigator; and
  - v. Provide the Investigator with all materials submitted by the Complainant and the Respondent.
- b. If the Respondent does not provide a written response to the Report, the Manager, Student Conduct will provide written notice to the Respondent that the allegations in the Report are unchallenged and that the University will proceed on that basis.
- c. All steps under the Investigative Stream will be completed in a timely manner, having regard to the circumstances surrounding a particular Report, this Code, and requirements of fair process. Wherever possible, the investigation, including the submission of the investigation report, will be completed within 60 calendar days of the receipt of the materials by the Investigator pursuant to section F5.2 of this Code.
- d. The Investigator will conduct the investigation in a manner that is consistent with this procedure and the principles set out in section D.1 Rights, Responsibilities and Expectations of this Code. This procedure requires:
  - i. The Investigator will treat all information received in the course of the investigation in accordance with the confidentiality provisions outlined in section F1 of this Code and will remind all individuals involved in the investigation of those provisions.
  - ii. The Investigator will give written notice to the Complainant and Respondent that the allegations set out in the Report will be investigated;
  - iii. The Complainant may not be required to participate in the investigation but may, however, be requested to provide additional clarifying information or evidence to supplement the Report or names of any potential witnesses. Where the Complainant has received the Respondent's written response to the Report, the Complainant will be provided an opportunity to submit any additional information they wish to provide;
  - iv. The Respondent will be given a reasonable opportunity to attend an interview with the Investigator, to provide names of any potential witnesses, and to submit any additional information they wish to have considered as a

part of their response;

- v. Following each interview, the individual interviewed will be provided with a written summary of the interview and provided a reasonable opportunity to provide comments on the accuracy of the summary;
- vi. At the conclusion of the investigation, the Investigator will prepare a written confidential investigation report that makes a finding as to whether or not, on a balance of probabilities (i.e., more likely than not), the Respondent has committed an act of non-academic misconduct against the Complainant and provide reasons for the finding. Reasons will include findings of credibility, a description of what evidence was accepted and was not, and a weighing of that evidence.
- vii. The Investigator will send the confidential investigation report, which may be partially redacted to address any confidentiality concerns, to the Complainant and to the Respondent. When sending the report, the Complainant and Respondent will be advised of available resources, such as the Ombudsperson, Dalhousie Student Advocacy Service and Faculty-level supports.
- viii. The Complainant and the Respondent will be given ten (10) calendar days to provide written comments on the investigation report, including but not limited to:
  - a. Challenging the report's finding based upon jurisdiction, a denial of natural justice, or unfairness in the application of the Code. For added clarity, this is the only stage at which the finding of non-academic misconduct made by the investigator can be challenged.
  - b. Commenting on appropriate outcomes and sanctions.
- e. The Investigator will submit the investigation report and any comments received to the Manager, Student Conduct, who will then give a copy of those materials to the Vice-Provost Student Affairs.

### F6.3 Outcomes and Disciplinary Measures

- a. The investigation report and any comments received will be reviewed by the Vice-Provost Student Affairs.
- b. The Vice-Provost Student Affairs will decide whether the Respondent has breached this Code and if so, whether the matter should be referred to the Senate Discipline

Committee for a hearing or if any remedial or educational outcomes may be imposed.

- c. The following factors will be weighed by the Vice-Provost Student Affairs and Senate Discipline Committee when determining appropriate outcomes and sanctions:
  - i. Nature of the non-academic misconduct;
  - ii. Needs of and impact on the Complainant and other Members of the University community;
  - iii. Safety of Members of the University community;
  - iv. Prevention of further acts of non-academic misconduct;
  - v. Education and well-being of the Respondent; and
  - vi. Any mitigating or aggravating circumstances.
- d. The Vice-Provost Student Affairs will advise the Complainant and Respondent in writing of their decision. Information on available resources, such as the Ombudsperson, Dalhousie Student Advocacy Service, and Dalhousie Student Health and Wellness will be included in the letter from the Vice-Provost Student Affairs.
- e. If the matter is referred to the Senate Discipline Committee, the matter will be conducted in accordance with the Senate Discipline Committee Jurisdiction and Procedures.
- f. The following sanctions may be imposed by the Senate Discipline Committee upon finding that a Student has violated the Code:
  - i. mandatory training and education;
  - ii. probation for a designated period of time, including the possibility of more severe disciplinary sanctions if the Student is found to be violating any institutional regulation(s) during the probationary period;
  - iii. denial of specified privileges or imposition of certain conditions upon the Respondent, which may include but are not limited to restricting access to University property, equipment or resources, and not being permitted to register in any classes the Complainant is enrolled in for a specific period of time;
  - iv. restitution
  - v. 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; and
  - vi. expulsion from the University;
  - vii. any other remedy that is within the power of Senate to grant.
- g. Once the Senate Discipline Committee has decided the sanctions to be imposed upon the Respondent, the decision will be communicated in writing to the

Respondent. The Complainant will be informed of the disciplinary outcomes that have a direct impact on them.

#### F6.4 Appeals

The Respondent may appeal the Senate Discipline Committee's decision to the Senate Appeals Committee in accordance with the Senate Appeals Committee – Jurisdiction and Appeals Procedures.

# Code of Student Conduct

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