

 DALHOUSIE UNIVERSITY CODE OF STUDENT CONDUCT	Policy Sponsor: Provost	Approval Date: Senate: June 9, 2014
	Responsible Unit: Student Services	Revisions: Senate: November 27, 2017; May 22, 2018

BACKGROUND

Dalhousie University is a community of faculty, staff and students, involved in teaching, research, learning and other activities. Students are members of the University for the period of their registration in an academic program and are subject to the disciplinary authority of the University during that time.

The University does not stand in loco parentis to its students. In the exercise of its disciplinary authority, the University treats students as adults free to organize their own personal lives, behaviour and associations subject only to the law, and to University regulations that are necessary to protect:

- the integrity and proper functioning of the academic and non-academic programs and activities of the University or its faculties, schools or departments;
- the peaceful and safe enjoyment of University facilities by other members of the University and the public;
- the freedom of members of the University to participate reasonably in the programs of the University and in activities on the University's premises;
- the property of the University or its members.

Other than this, regulation of student behaviour by the University is neither necessary nor appropriate.

Members of the University, including students, are not immune from the criminal and civil law. Provisions for non-academic discipline should not attempt to shelter students from the normal responsibilities of adult citizens nor add unnecessarily to these responsibilities. Thus, conduct that violates the Criminal Code or other statute should ordinarily be dealt with by the police and criminal courts. In cases, however, in which criminal or civil proceedings would not adequately protect the University's interest and responsibilities as defined above, proceedings may be brought under the Code of Student Conduct.

The University may also define standards of professional conduct for students in programs where these are appropriate, and this Code is not intended to replace or supersede such standards.

CODE OF CONDUCT

A. DEFINITIONS

1. In this Code, the word "premises" includes 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.
2. In this Code, "student" means a person:
 - (i) engaged in any academic work or placement which leads to the recording and/or issue of a mark, grade or statement of performance by the appropriate authority in the University or another institution; and/or
 - (ii) registered in, enrolled in, or attending any course or class, or otherwise participating as a learner in any activity which entitles the person to the use of a University library, library materials, library resources, computer facility or dataset.
3. In this Code, the words "Dalhousie University" refer to Dalhousie University and include any institutions affiliated with it, where such inclusion has been agreed upon by the University and the affiliated institution, with respect to the premises, facilities, equipment, services, activities, students and other members of the affiliated institution.
4. Unless otherwise stated, a student will only be liable for conduct that the student knew or ought reasonably to have known would constitute conduct prohibited under this Code.
5. Nothing in this Code shall be construed to prohibit peaceful assemblies and demonstrations, or lawful picketing, or to inhibit freedom of speech.

B. APPLICATION

Conduct shall be deemed to be an offence under this Code, when committed by a student of Dalhousie University, provided that such conduct:

- (a) occurs on the premises of Dalhousie University;
- (b) occurs elsewhere in the course of activities sponsored by Dalhousie University (or by any of its faculties, schools or departments), or where the conduct is alleged to adversely affect, disrupt or interfere with another person's reasonable participation in Dalhousie University programs or activities; or
- (c) occurs in the context of a relationship between the student and a third party and involves the student's standing, status or academic record at the University.

However, this Code will not apply to conduct that:

- (i) is specifically assigned to another disciplinary body within the University; or
- (ii) is subject to action as an alleged failure to meet standards of professional conduct as required by a college, faculty or school; or
- (iii) is subject to action under a residence discipline policy unless some non-residence University interests are deemed to be involved, in which case the President may specifically authorize proceedings under this Code; or
- (iv) is committed by a student in their capacity as an employee of the University unless some non-employment University interests are deemed to be involved, in which case the President may specifically authorize proceedings under this Code;
- (v) is subject to the disciplinary authority of the Dalhousie Student Union.

C. OFFENCES

1. Offences Against Persons

- (a) No student shall otherwise assault another person, threaten any other person with bodily harm, or cause any other person to fear bodily harm.
- (b) No student shall create a condition that unnecessarily endangers the health or safety of other persons.

- (c) No student shall threaten any other person with damage to such person's property, or cause any other person to fear damage to their property.
- (d) No student shall engage in a course of vexatious conduct, harassment or discrimination that is directed at one or more specific persons and that is based on the age, race, colour, religion, creed, sex, sexual orientation, physical disability, mental disability, an 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.
- (e) No student shall engage in unwelcome or persistent conduct that the student knows, or ought to reasonably know, would cause another person to feel demeaned, intimidated or harassed. Examples of such conduct include, but are not limited to:
 - (i) following another person, or anyone known to that person;
 - (ii) unwanted communication with another person or anyone known to that person;
 - (iii) watching the residence or place of work of another person or anyone known to that person;
 - (iv) threatening another person or any member of the family, friends or colleagues of the other person;
 - (v) coercing, enticing or inciting a person to commit an act that is humiliating or demeaning to that other person or to others.

2. **Disruption**

No student shall, by action, threat or otherwise, disrupt, obstruct or adversely affect any activity organized by Dalhousie University or by any of its faculties, schools or departments, or the right of other persons to carry on their legitimate activities, to speak or to associate with others.

3. **Offences Involving Property**

- (a) No student shall take without authorization, misuse, destroy, deface or damage the property of Dalhousie University, or property that is not their own, or information or intellectual property belonging to Dalhousie University or to any of its members.

- (b) No student shall possess the property of Dalhousie University, property in the custody of Dalhousie University, or property that is not their own, if the student knows that property to have been taken without authorization.
- (c) No student shall create a condition that unnecessarily endangers or threatens destruction of the property of Dalhousie University or of any of its members.

4. Unauthorized Use of University Facilities, Equipment or Services

- (a) No student shall use any facility, equipment or service of the University, or enter or remain on any premises, to which the student does not have legitimate access, or contrary to the expressed instruction of authorized persons.
- (b) No student shall use any University computing equipment, facility, network or system for any disruptive or unauthorized purpose, or in a manner that violates any law, Dalhousie University regulations, policies and procedures or in any way that is incompatible with the principles in the Guide to Responsible Computing. Examples of inappropriate use of computer equipment, facilities, networks and systems include, but are not limited to:
 - (i) copying, removing or distributing software and/or data without authorization;
 - (ii) using another person's account, or misrepresenting themselves as another user;
 - (iii) disclosing confidential passwords, access codes, etc., assigned to themselves or others;
 - (iv) interfering with the work of others using computing equipment, facilities, networks, systems or accounts;
 - (v) displaying, transmitting, distributing or making available information that is discriminatory, obscene, abusive, derogatory, harassing or otherwise objectionable;
 - (vi) breaching terms and conditions of software licensing agreements;
 - (vii) interfering with the normal operation of computing equipment, facilities, networks or systems by, among other things, flooding the network with messages, sending chain letters or pyramid solicitations;
 - (viii) using the University's computing equipment, facilities, networks and systems for profit or commercial gain.
- (c) No student shall destroy, misplace, misfile, or render inoperable any stored information such as books, film, data files or programs from a library, computer or other information storage, processing or retrieval system.

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

No student shall encourage or aid another student in the commission of an offence defined in this Code, or encourage or aid behaviour by a non-student which, if committed by a student, would be an offence under this Code.

6. **Alcohol and Drug Use**

No student shall contravene the Liquor License Act of Nova Scotia or a provision of the Campus Alcohol Policy, nor shall any student possess, use or sell a drug to which access is restricted by the Narcotics Control Act.

7. **False Information and Identification**

- (a) No student shall knowingly furnish false information to any person or office acting on behalf of the University.
- (b) No student shall forge, alter or misuse any document, record or instrument of identification.
- (c) No student shall knowingly furnish false information to any person regarding their standing, status or academic record at Dalhousie University.

8. **Unauthorized Possession of a Firearm or Weapon**

No student shall possess a firearm or other weapon on the University premises without the specific written permission of the Chief of Security.

9. **Contravention of University Regulations**

When a rule, regulation or policy of the University prohibits or proscribes certain conduct but does not provide any penalty for breaches of the rule, regulation or policy, breaches shall be dealt with under this Code.

10. **Other**

No student shall contravene any provision of the Criminal Code or any other federal, provincial or municipal statute on the premises of the University or in the course of the University's programs or services, or University-approved events or activities.

D. PROCEDURES

- 1. Any person may make a complaint under this Code against any student for misconduct. A complaint must be addressed in writing to Vice-Provost, Student Affairs and shall contain:
 - a. the basis for the allegation;
 - b. relevant supporting documents, evidence and details (e.g. time and date(s) of

the offence);

- c. any other individual(s) with knowledge; and
 - d. names of witnesses, if any.
2. Whenever possible and appropriate, reasonable and informal measures shall be used to resolve issues of individual behaviour. The Vice-Provost, Student Affairs, or designate, may recommend to a complainant that other avenues of resolution be pursued before resort is made to formal disciplinary measures pursuant to this Code.
 3. All complaints shall be submitted within 30 calendar days of the date that the offence is alleged to have occurred. An extension of time to submit a complaint may be permitted by the Vice-Provost, Student Affairs, or designate, where there is a *bona fide* reason to do so and where those affected by the allegation will not be unduly prejudiced.
 4. Upon receipt of a complaint, the Vice-Provost, Student Affairs, or designate shall determine whether or not the complaint has been properly brought under the Code or whether the material supports a *prima facie* case that an offence has been committed under the Code. The Vice-Provost, Student Affairs, or designate, may request more information from the complainant before any further steps are taken. If no *prima facie* case is made out, no further steps are taken in relation to the complaint, and the complainant will be so advised in writing.
 5. In the event that the Vice-Provost, Student Affairs, or designate, determines that the material supports a *prima facie* case, the following steps shall be taken:
 - a. The Vice-Provost, Student Affairs, or designate shall inform the respondent in writing of the nature of the allegation, the complaint, the evidence, the procedures to be followed, the possible penalties, and possible sources of advice and support. Along with notice of the complaint, the respondent shall be advised of their right to be represented throughout the process, including by a Student Advocate.
 - b. If deemed necessary, an investigation will be conducted by the Vice-Provost, Student Affairs, or designate, which may include meetings with the complainant, respondent, and witnesses.
 - c. The Vice-Provost, Student Affairs, or designate shall convene a meeting with the respondent(s) to discuss the complaint and their response to the allegations.
 6. Where there are criminal or civil proceedings pending against the student for conduct related to the complaint, the Vice-Provost, Student Affairs may defer investigation of the complaint on such terms and conditions as are appropriate in the circumstances (including an interim suspension) until the conclusion of all or part of such proceedings where the circumstances of the case warrant. Conviction of a criminal offence will be considered *prima facie* evidence of a parallel offence under this Code.
 7. Following the investigation, the Vice-Provost, Student Affairs, or designate shall

determine whether there is sufficient evidence to support a finding that the student has committed an offence, and if so, will determine which disposition will be most appropriate in the circumstances:

- a. Informal Resolution (resolution of the complaint is mutually agreed upon among the Vice-Provost, Student Affairs, or designate, the complainant and the respondent); or
 - b. Referral to the Senate Discipline Committee for a disciplinary hearing.
8. If an informal disposition of the complaint results, such disposition shall be final, and there shall be no subsequent proceedings. An agreement that a student will voluntarily withdraw from the University for a period of time, or not re-register, may be part of an informal resolution of a complaint. In such instances, this will not be recorded on the student's academic record, but a 'block' on further registration may be imposed.
 9. Where the parties attempt to resolve the complaint through an informal resolution, but in the opinion of Vice-Provost, Student Affairs, or designate, an informal resolution cannot be reached, the Vice-Provost, Student Affairs, or designate, shall refer the complaint to the Senate Discipline Committee for a formal hearing.
 10. Notwithstanding paragraph 7, the Vice-Provost, Student Affairs, or designate, may determine at any time that the case is serious enough that a suspension or expulsion may be required, in which case the matter shall be referred to the Senate Discipline Committee for a disciplinary hearing (See Section E – Sanctions). The Vice-Provost, Student Affairs, or designate, shall notify the student in writing, with a copy to the complainant, that the matter will be forwarded to the Senate Discipline Committee.
 11. Hearings conducted by the Senate Discipline Committee shall be according to procedures determined by the Committee. The President, or designate, shall appoint a University Representative to present the complaint.
 12. Any statements a respondent makes to the Vice-Provost, Student Affairs, or designate in the course of an attempt to resolve a complaint through informal or formal dispositions may not be submitted to the Senate Discipline Committee as evidence in a subsequent hearing.
 13. The Vice-Provost, Student Affairs, shall report annually to Senate regarding the number and nature of all complaints, including the manner in which they are disposed of or resolved.

E. SANCTIONS

1. In each case in which the Senate Discipline Committee determines that a student has violated this Code, the sanction(s) shall be determined and imposed by the Committee.
2. The following sanctions may be imposed upon any student found to have violated this Code:

- a. Warning – A notice in writing to the student that the student is violating or has violated institutional regulations.
- b. Probation – A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation(s) during the probationary period.
- c. Loss of Privileges – Denial of specified privileges for a designated period of time.
- d. Restitution – Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
- e. Discretionary Sanctions – Work assignments, service to the University or other such discretionary assignments that are considered appropriate.
- f. Conditions – Conditions may be imposed upon a student's continued attendance.
- g. University Suspension – 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.
- h. University Expulsion – Permanent separation of the student from the University.

F. INTERIM SUSPENSION

In the following circumstances, the President of the University, or a designate, may impose an interim suspension prior to the hearing before the Committee.

1. Interim suspension may be imposed only: (a) to ensure the safety and well-being of members of the University community or preservation of University property; (b) to ensure the student's own physical or emotional safety and well-being; or (c) if the student poses a threat of disruption or of interference with the operations of the University or the activities of its members.
2. During the interim suspension, students may be denied access to specified campus facilities (including classes) and/or any other University activities or privileges for which the student might otherwise be eligible, as the President or the designate may determine to be appropriate.
3. A student who is the subject of an interim suspension may request a hearing before the Senate Discipline Committee on the issue of the interim suspension itself. This request shall be submitted in writing, with reasons, to the Secretary of Senate. The Committee shall hear the matter, including submissions by the President or designate, within ten working days, and shall have the authority to confirm, negate, or alter the terms of the interim suspension.