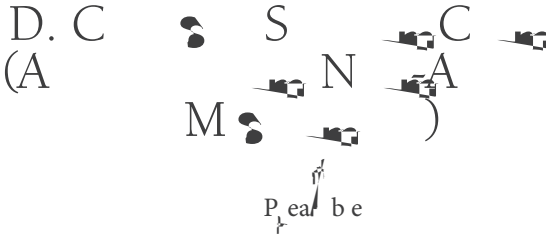


quired to withdraw from the University will not be granted credit for any courses taken while required to be away from the University.



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

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

In order to make these ideals effective, all members of this community have responsibili



3. Using or distributing to others examinations, tests, or similar materials obtained by improper means.
4. Discussing with another student tests or examination questions that have been obtained by improper means.
5. Either writing a test or examination for another student or having another student write a test or examination.
6. Either using answers provided by another student or providing answers to another student.
7. Copying answers from another student during examinations or tests.

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

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

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

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

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

.

### 3. Relationship to Other Policies

*Policy on Sexual Violence:* the Policy on Sexual Violence details prohibited conduct. Complaints about sexual violence (reports) will follow the procedures in this (Non-Academic Misconduct) policy.

*Residence Agreement:* the Residence Agreement is part of the lease agreement between student tenants and the University as Landlord. Violations of the Residence Agreement as well as Residence Community Standards will normally be addressed through those policies within the residence system. When alleged misconduct is of a serious nature, or involves sexual violence, the matter will be referred to this (Non-Academic Misconduct) policy

*Athletics Code of Conduct:* While all allegations of non-academic student misconduct will be dealt with through this (Non-Academic Misconduct) policy, student-athletes are also subject to the Athletics Code of Conduct. Sanctions applied through the Athletics Code of Conduct are in addition to those applied through the Non-Academic Misconduct policy. The Athletics Code of Conduct does not replace this (Non-Academic Misconduct) policy.

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

### 4. Rights of the Complainant

Throughout all procedures listed in this policy, complainants have the right to:

- be fully informed about the process and various options available;
- be treated with dignity, respect, and offered support throughout the process;
- an investigation and decision process that is closed to the public;
- pursue criminal or other charges regardless of the status of the complaint within this policy;
- present their story and any relevant/supporting information;
- a support person during investigation, decision, and appeal meetings. The support person can be any person of the respondent's choosing. As an internal administrative process, support persons have no standing, legal or otherwise, to act as representatives in investigation, decision, or appeal meetings;
- confidentiality within the process (see section 7);
- withdraw the complaint at any time;
- have a support person assist in the writing or transmission of a complaint, especially in cases involving trauma; and
- know the outcome of the process.

### 5. Rights of the Respondent

Throughout all procedures listed in this policy, respondents have the right to:

- a fair and impartial process, and to be fully informed about the process at the outset;

- be made aware of the allegations against them, any supporting information from witnesses, and to be able to prepare a defense against those allegations;
- a support person during investigation, decision, and appeal meetings. The support person can be any person of the respondent's choosing. As an internal administrative process, support persons have no standing, legal or otherwise, to act as representatives in investigation, decision, or appeal meetings;
- suggest witnesses of their own;
- reasonable timelines of the process as outlined in this policy;
- confidentiality within the process (see section 7);
- know the outcome of the process; and
- appeal decisions of the Director of Student Services and Residence Life, as per section 3 of this policy.

## **6. Parallel Proceedings**

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

## **7. Confidentiality**

The University seeks to respect the privacy of all those involved in complaint processes. During the investigation, process participants are directed not to discuss the process with

Non-Academic Misconduct may file a complaint under this procedure.

2. All complaints should be brought to the attention of the Director of Student Services and Residence Life (director.studentlife@stu.ca or Student Services central phone: 506-453-7213)
3. Complaints should include the following information when possible:
  - o name and contact information for the complainant
  - o a description of the incident
  - o name of the alleged respondent
  - o names of potential witnesses.
4. Complainants are encouraged to submit their complaints in a timely manner. Complaints for most offences will only be pursued if they are received within 3 months of the alleged conduct. This timeframe does not apply to allegations of sexual violence or other serious offences.
- 5.

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

## **11. The Investigation Process**

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

1. Investigations will be completed by a Conduct Officer, normally the Director of Student Services and Residence Life, but may be referred to the Associate Vice-President (Enrolment Management), the Manager of Residence Life, or when appropriate (due to complexity, potential conflicts, etc.) an external Conduct Officer. The Conduct Officer will be trained and experienced in investigations, including Trauma informed approaches.
2. During the investigation, the complainant will have the opportunity to submit any supporting evidence to their complaint, and suggest any witnesses to the Conduct Officer.
3. The Conduct Officer will meet (in person, phone, or electronically) with witnesses, who may be suggested by both the complainant and respondent.
4. The Conduct Officer will contact the respondent, providing them with notice that a complaint has been made, information about this process and their rights within it, and all relevant information about the complaint and information gathered to that point in the investigation. This will normally occur within ten (10) business days of receiving the complaint. The Conduct Officer will then arrange a meeting with the





## 14. Decision Letter

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

## 15. Appeal Process

1. A Respondent who has been found responsible for Student Non-Academic Misconduct may appeal the decision of the Conduct Officer to the Vice-President (Academic and Research) within ten (10) Business Days of receiving the decision. If the Vice-President (Academic and Research) is unavailable, the Registrar will act in their place.
2. A Respondent may appeal the decision of the Conduct Officer on the following grounds:
  - a. relevant evidence has emerged that was not available at the time of the original decision;
  - b. the Student Non-Academic Misconduct Policy was not followed and the outcome of the case might have been substantially affected by this failure; or
  - c. the severity of the sanction imposed exceeds the nature of the misconduct for reasons identified by the Respondent.
3. To file an appeal, a Respondent shall be required to submit the following information, in writing, to the Vice-President (Academic and Research):
  - a. a copy of the decision;
  - b. a statement of the grounds for appeal;
  - c. a statement of facts relevant to the basis of appeal;
  - d. a statement of the remedy sought; and
  - e. any supporting documentation that the Respondent intends to refer to at the appeal hearing.
4. If the respondent fails to provide proper documentation as noted above or the grounds for appeal are not consistent with the above, the Vice-President may reject the appeal without a hearing. Written notice of such a decision would be provided.
5. An Appeal Hearing before the Vice-President (Academic and Research) will be scheduled within ten (10) Business Days of the Respondent filing the appeal. Timelines may be extended by mutual agreement of the Respondent and the Vice-President (Academic and Research) or in extenuating circumstances by the Vice-Presi

dent (Academic and Research) with notice to the Respondent. The Appeal Hearing will not be open to the public and will be kept confidential.

6. The appellant may be accompanied by a support person. The support person can be any person of the appellant's choosing. As an internal administrative process, support persons have no standing, legal or otherwise, to act as representatives in investigation, decision, or appeal meetings.
7. If deemed necessary, at the sole discretion of the Vice President (Academic and Research), Appeal Hearings may be adjourned to ensure that essential information can be obtained. If an Appeal Hearing has been adjourned, it will be reconvened within five (5) Business Days.
8. The appellant will be provided with written notice of the outcome of the Appeal

en, annoy, insult, demean, or result in some other form of discomfort; words and actions that demean or cause humiliation, offense or embarrassment to another person and/or which adversely affects the employment, social or academic status of the individual. Harassment includes:

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

### **17. Actions Against Property**

A Student shall not:

1. damage, deface, or destroy the property of another individual, corporation or other entity, including the University;
2. create a condition that unnecessarily endangers or threatens destruction of the property of another individual, corporation or other entity, including the University;
3. use University property, facilities, equipment or materials for an unauthorized

**19. False Information and Identification:**

A Student shall not:

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

**20. Possession or Use of Dangerous Objects, Drugs, or Alcohol**

A Student shall not:

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

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

Student shall not encourage or aid another Student in the commission of Student Non-Academic Misconduct.

**22. Contravention of Other Laws and University Policies**

A Student shall not:

1. contravene any provision of the Criminal Code of Canada or any other federal, provincial, or municipal law; or
2. contravene any University Policy or explicit order of an administrative office such as Campus Security, Residence Life, Facilities Management, etc. A contravention of other policies shall first be dealt with under those policies.

**23. Failure to Comply with a Sanction**

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

## COMPLAINT PROCEDURE FLOWCHART

File a complaint with the STU Director of Student Services and Residence Life

Include name and contact for the complainant, description of the incident, name of the alleged respondent, and names of potential witnesses.

Receive support and information on options for next steps.

Director will advise the complainant of relevant support services and potential routes for the complaint. The Director, in consultation with the complainant, will decide on a path forward

The Director, in consultation with the complainant, will decide on a path forward.

When the complaint, taken at face value, may constitute a violation of this policy.

When the complaint, taken at face value, may constitute a violation of another policy.

If both the complainant and respondent agree to participate.

When the complaint, taken at face value, does not constitute a violation of this policy.

Investigation

Referral to another procedure

Informal Resolution

Dismissal of Complaint

Determination

Sanctions

## SECTION 3 - STU ATHLETICS CODE OF CONDUCT

### 1. INTRODUCTION

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

Varsity and club athletes are not only representatives of their sport, but are considered

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

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

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



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

## 5. VIOLATIONS

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

## 6. SANCTIONS

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

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

## 7. APPEALS

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

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

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

- Varsity and club athletes are required to conduct themselves in accordance .iOU(or)-24 (ratualTcnidp

