

Brock
University



Student Code of Conduct

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1. Introduction

- 1.1** Brock University is a distinct community of Students, staff and faculty, engaged in learning, teaching, research, sport and other activities while fostering an environment of integrity, inclusivity, accessibility, reconciliation, decolonization and civic responsibility. To maintain these standards and privileges, Brock University has established community standards to promote and maintain respect for the rights, responsibilities and well-being of all members of our community and address Student behaviour that is contrary to these standards and that jeopardizes the welfare of the Brock Community, the good order and proper functioning of academic and non-academic programs, activities of the University, and/or those that adversely affects the property of the University.
- 1.2** In accordance with Student Event Risk Management Procedures, the University sponsors, approves, or encourages many non-academic activities both on and off University Premises. These activities, though generally separate from the defined requirements of Students' academic programs, are recognized by the University as a valuable and important part of the University and contribute to a transformational university experience. While such activities are encouraged, they must be done in accordance with Students' responsibilities under this Code and respectful of the Student Event Risk Management Procedures.

2. Purpose

This document sets out the University's expectations regarding student conduct as a member of the Brock University Community and aims to provide transparency on the Students' rights and responsibilities related to Student non-academic Misconduct. The Code is intended to be a guideline for appropriate behaviour while also outlining Students' rights and responsibilities.

When appropriate, a restorative approach to Student Misconduct will be implemented with a focus on Student supports and repairing harms to the Brock community.

3. Scope

3.1 Conduct covered by this Code

This Code applies to the conduct of Students while:

3.1.a on University Premises;

3.1.b off University Premises when:

- (a) they are acting as a delegate or designated representative of Brock University or as a member of a Student Organization;
- (b) they are participating in a University event, program or activity (including, but not limited to, exchange programs, co-op, career and experiential education activities); and/or
- (c) the Student's conduct may adversely affect, disrupt or interfere with another person's reasonable participation in University programs and activities or the University's work and learning environment, which may include online conduct.

3.2 Application of the Code and related policies

Where the alleged Misconduct of a Student is covered by this Code and another University Policy, the designated administrators of the relevant Policies and the Associate Director, Student Affairs (or designate) will determine which Policy to apply.

Where the alleged Misconduct is processed solely under this Code, the outcomes that may be applied are deemed to include any outcomes provided for in the other Policy or Policies.

3.3 Application of the Code and related proceedings

Where the alleged Misconduct of a Student is covered by this Code and is also a potential breach of a statute or other legal duty, the University may take action under this Code, even if other legal proceedings have been commenced, are underway, or pending, and even if the relevant authorities have elected not to commence proceedings with respect to the conduct.

3.4 Application of the Code to the conduct of guests

A Student Host is deemed to be responsible for the conduct of their guest(s) and may be held responsible under this Code as if they had engaged in the conduct themselves.

3.5 The Code in the Classroom

Student conduct within the academic environment such as the classroom or labs is within the scope of this Code so long as the conduct falls within section 6.1 – 6.21 of this Code.

4. Student Rights

4.1 All Students have the right to:

- (a) the rights and freedoms as recognized by municipal, provincial and federal laws;
- (b) reasonable accommodations that respect the dignity of individuals with a disability, meet individual needs, maintain confidentiality whenever possible, and promote integration and full participation;
- (c) participation in University and Student governance through the Brock University Students' Union, and the Graduate Students' Association;
- (d) peaceful assemblies, demonstrations and lawful picketing allowed within established laws, to the extent that they do not interfere with the rights and privileges of others, or with the normal functions of the University;
- (e) privacy as afforded by Federal and Provincial legislation;
- (f) participate in Student Organizations, clubs, sports and other activities without harassment, discrimination, disruption, or acts of violence;
- (g) accessible access to buildings and facilities as governed by regulations that are necessary for the full participation, safety and security of members of the Brock Community. and,
- (h) procedural fairness in the investigation and adjudication process as it relates to the Code.

These include, but are not limited to, the right to:

- (a) a fair and impartial process, including being made aware of and given an opportunity to respond to information germane to the investigation;
- (b) be provided clear and cogent reasons for the decisions that were made
- (c) an impartial appeal; and,
- (d) have an advisor and/or support person of their choice present at any stage of the process.

5. Definitions

- 5.1** The “**Brock Community**” is all persons who have a direct relationship with or to the University. Brock Community Members are faculty members, employees, Students, visitors, volunteers and members of the Board of Trustees.
- 5.2** “**Code**” refers to this Student Code of Conduct.
- 5.3** “**Disability**” as defined in full in the Ontario Human Rights Code.
- 5.4** “**Guest**” means a person who is visiting a Student by invitation or consent on University Premises.
- 5.5** “**Knowing**” refers to actual knowledge, or that which the Student ought to have reasonably known.
- 5.6** “**Licensed Facility**” is any place on University Premises, or at University sanctioned activities that lawfully serve alcohol.
- 5.7** “**Misconduct**” means actions by a Student that are in violation of their responsibilities under this Code.
- 5.8** “**Non-Academic Appeal Board**” refers to a three person panel appointed by, and chaired by the Provost and Vice-President Academic. Whenever possible, Non-Academic Appeal Board will include a person appointed by the President of the Brock University Students’ Union or Graduate Student Association, and a representative of the Human Rights and Equity Office.
- 5.9** “**Policy**” means policies and other written regulations of the University, such as the Residence Community Standards, Alcohol Policy, Respectful Work and Learning Policy and Graduate/Undergraduate calendars.
- 5.10** “**Student**” means a person who is registered in a course of study approved by the Senate; engaged in any academic work 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; entitled to a valid student card; those that are between sessions but entitled because of student status to use University facilities; and/or those participating in the Intensive English Language Program.
- 5.11** “**Student Conduct Council**” means a council comprised of Student volunteers and includes any person or persons authorized by the Associate Director, Student Affairs (or designate) to determine whether a Student has violated this Code and to impose outcomes.
- 5.12** “**Student Host**” means a Student who has a Guest by invitation or consent on University Premises.
- 5.13** “**Student Organizations**” means student groups, clubs, or other organized persons including those ratified under the Brock University Students’ Union, Graduate Students’ Association, Student Organizations that have filed an event proposal under the Student Event Risk Management Procedures, and/or Student Organizations that use their affiliation with Brock University to organize, promote or facilitate an event or activity.
- 5.14** “**Support Services**” includes, but are not limited to, Aboriginal Student Services, Human Rights and Equity , Student Health Services, Personal Counselling, Student Accessibility Services, Office of the Ombudsperson, International Services, Student Accounts and Financial Aid, Academic Advising, and appropriate resources from the larger community.
- 5.15** “**University**” means Brock University.
- 5.16** “**University Premises**” means building and lands owned, leased, operated, controlled, or supervised by the University.

6. Student Responsibilities

Recognizing that an exhaustive list of all possible Misconduct cannot be provided, the following list is offered as a guide. Students are expected to uphold all municipal, provincial and federal laws in addition to the violations listed below.

6.1 Harassment

Any course of vexatious comment(s) or conduct that is known or ought to reasonably be known to be unwelcome. If the harassment is based on grounds that are covered in the Respectful Work and Learning Policy as determined by that policy owner, the Respectful Work and Learning Policy may supersede this Code.

6.2 Infliction of Harm

Intentionally causing, or creating a condition that causes, emotional or physical abuse upon others.

6.3 Threatening Behaviour

Create a condition which endangers or threatens the health or safety of themselves or others.

6.4 Identification

Refusing to identify oneself upon a reasonable request by a University official while acting in the course of their duties. Possessing or distributing false identification or altered identification.

6.5 Aiding and Abetting

Knowingly aiding or abetting another person in the commission of any violation of this Code. Students who assist in Misconduct will be equally liable as if they had committed the infraction themselves.

6.6 Hazing

Engaging in activities that humiliates, degrades, abuses, or endangers a member of the community for the purpose of initiation, admission into, or as a condition for continued membership in a group, team, or Student Organization.

6.7 Damage and Destruction of Property

Misappropriating, destroying or otherwise damaging University or another person's property, including any electronic resources. Creating an unsanitary condition is considered to be damage to property.

6.8 Trademark

Unauthorized use of protected Brock University trademarks, names and images.

6.9 Unauthorized Access and/or Presence

Accessing or remaining on University Premises without proper authority. Unauthorized possession, duplication or use of means to access any building, computer or other items of University property is also prohibited. Digitally interfering or otherwise accessing restricted University materials online without proper authorization.

6.10 Unauthorized Use of Facilities, Equipment, Materials or Services

Use of University equipment, materials or services without proper authority. Obtain and/or use any University equipment, material or service by fraudulent means, or by providing false information.

6.11 Theft

Knowingly take or fraudulently obtain anything that belongs to the University or another person without the permission of the University or the other person.

6.12 Failure to comply

Failing to comply with the reasonable directions of University officials, Campus Security Services, or other law enforcement officers acting in

performance of their duties; failing to comply with published University Policies, rules or regulations; failing to comply with disciplinary measures imposed under the Code; or failure to comply with an agreement instituted to resolve a complaint under the Code.

6.13 Gambling

Gambling is defined as unlawfully conducting, organizing or participating in an activity involving wagering, or taking risk in pursuit of a speculation. Unlawful gambling includes any activities or games of chance or skill that include the exchange of cash/chips resulting in a chance of a financial return greater than that paid, including electronic or internet gambling.

6.14 Disruptive Behaviour

Substantial and intentional obstruction of University activities or services, or creating a situation that threatens the health, safety or well-being of any person.

6.15 Informational Technology

Violating the Brock University policies with respect to information technology.

6.16 Tobacco Misuse

Smoking or otherwise consuming tobacco, including electronic cigarettes, in any area of campus where such activity is prohibited under the University's Tobacco and Smoking Policy.

6.17 Fire Procedures

Violations of local, provincial, or University fire safety procedures.

6.18 Alcohol Use

- (a) Non-compliance with local, provincial, and federal laws or the University Alcohol Policy with regards to possession, use and distribution of alcohol.

The possession or use of alcoholic beverages is restricted to persons who are 19 years of age or older.

- (b) The possession or presence of empty alcohol containers is prohibited by Students that are under the age of 19 and will be viewed as evidence of possession or consumption of alcoholic beverages.

6.19 Drug Use

Non-compliance with all local, provincial, and federal laws and any University policies or standards relating to the possession, cultivation, use and distribution of drugs and controlled substances.

6.20 Weapons and Dangerous Materials

Possessing a firearm (including, but not limited to air guns and replica or imitation firearms), explosives (including fireworks), other weapons created or designed to cause harm, or dangerous chemicals on University Premises or to any University related event or activity.

6.21 Abusing the Disciplinary System

Intentionally engaging in behaviour that disrupts or undermines the non-academic misconduct process including but not limited to:

- a) Falsifying, distorting or otherwise misrepresenting information during the course of the investigation or adjudication process;
- b) Disrupting or interfering with the orderly conduct of a disciplinary hearing; or
- c) Harassing and/or intimidating any party to the disciplinary proceeding (eg. witness, complainant), member of a Student Conduct Council or other official prior to, during and/or after a disciplinary proceeding.

7. Process and Procedures for Addressing Student Misconduct

Where possible and appropriate, education and the provision of Support Services shall be used to attempt informal resolution of a matter before proceeding to formal adjudication procedures.

Please see the [Student Life and Success webpage](#) for additional information on the procedures used when addressing non-academic Misconduct.

7.1 Reporting alleged violations

Any member of the Brock Community may notify the Associate Director, Student Affairs (or designate), or Campus Security Services (via phone extension x4300 or security@brocku.ca) of an alleged offence under this Code. Where appropriate, Students may be granted immunity from disciplinary outcomes for minor breaches of this Code that occurred at or near the time of an incident they report as a violation of this Code.

7.2 Reporting Limitation Period:

Notice of an alleged offence under this Code must be filed within 90 days of discovery of the alleged Misconduct. This period for filing notice of an alleged offence may be extended at the discretion of the Associate Director, Student Affairs (or designate) considering the seriousness of the incident, whether the incident ought to have been previously discovered and other relevant factors.

7.3 Review of alleged violations

Upon receiving notice of an alleged offence, Student Affairs or Campus Security Services will assess whether the alleged conduct falls within the scope of this Code and whether an investigation is warranted. Campus Security Services or Student Affairs may

conduct meetings, make inquiries and conduct or arrange investigations to obtain additional information regarding the alleged Misconduct.

7.4 Procedural options for alleged violations

After reviewing the information received with respect to the alleged Misconduct, Student Affairs may:

- (a) where possible, attempt informal resolution of a matter using an educational and supportive approach.
- (b) undertake a restorative justice process, provided the Student who is alleged to have committed the Misconduct consents.
- (c) refer the matter to the Student Conduct Council and arrange for the Student to appear at a hearing of the council;
- (d) conduct a hearing when convening the Student Conduct Council is not possible or appropriate and, if satisfied that a violation of the Code has occurred impose any of the outcomes listed in this Code;
- (e) dismiss the matter; or
- (f) refer the matter to the procedures outlined in the Sexual Assault and Harassment Policy, the Respectful Work and Learning

Environment Policy, or other relevant University Policy.

7.5 Outcomes Applied by the Student Affairs Office:

The Student Conduct Council, the Office of Student Affairs, or the restorative justice process may apply one or more of the following outcomes, or others.

- (a) A letter of warning;
- (b) A period of non-academic probation during which further violations may be subject to more significant outcomes;
- (c) Restitution for damages;
- (d) A verbal or written apology;
- (e) Fines not to exceed \$500;
- (f) A conditional fine, up to a maximum amount of \$500. A conditional fine is to be paid only in the event that the student is found to be responsible for a subsequent violation of the Code during a probationary period;
- (g) Removal of privileges for use of facilities on campus for a specified period;
- (h) A period of service to the community not to exceed 40 hours;
- (i) Completion of an educational program or project;
- (j) Suspension from non-academic activities within the Brock Community for a specified period; and/or
- (k) Eviction from, or relocation within, residence.

7.6 If a student has been found responsible of previous breached of this Code or the Residence Community Standards, that information is made available to the Student Conduct Council, Student Affairs, or the restorative justice process for outcome consideration;

7.7 If a party fails to attend a hearing or restorative justice process, Student Affairs has the authority to:

- (a) Dismiss the incident without further notice;
- (b) Proceed in the absence of the party that failed to appear, including making a finding and assessing outcomes; or,
- (c) Reschedule the hearing or restorative justice process if extenuating circumstances are demonstrated.

7.8 Outcomes Applied by the Associate Vice President, Students.

The Associate Director, Student Affairs (or designate) may recommend to the Associate Vice President, Students the following outcomes:

- (a) Interim measures as outlined below;
- (b) Suspension from the University; or
- (c) Expulsion from the University.

7.9 Eligibility for Appeal

All outcomes that result in a suspension or expulsion may be appealed as outlined in 7.10. Students may appeal decisions that do not recommend suspension or expulsion, under the following circumstances:

- (a) where evidence emerges that was not available at the time of the original hearing;

- (b) there was clear evidence of bias; or
- (c) where the disciplinary procedures were not followed, and where the outcome of the case at the original hearing was substantially affected thereby.

7.10 Appealing Outcomes that do not Include Suspension or Expulsion

- (a) Students may appeal to the Associate Director, Student Affairs (or designate) any outcomes applied by the Student Conduct Council or the Student Affairs Case Coordinator (or designate) that does not include suspension or expulsion.
- (b) An appeal must be submitted in writing to the Associate Director, Student Affairs (or designate) within 10 working days of the student having received the decision.
- (c) An appeal must include the basis for appeal as listed in Section 7.9 of this Code.
- (d) The Associate Director, Student Affairs (or designate) will decide within 10 business days, or as soon as practicable, upon receipt of the written appeal, if sufficient grounds for appeal exist. If sufficient grounds for an appeal exist, an appeal hearing date will be established. The Associate Director, Student Affairs (or designate) may further investigate the matter prior to rendering a decision.

Should an appeal be denied, the Student will receive in writing the reason the appeal has been denied

- (e) The Associate Director, Student Affairs (or designate) may uphold, amend, reduce, or overturn the outcome.

- (f) The decision of Associate Director, Student Affairs (or designate) will be provided to the student in writing and is final.

7.11 Appealing Outcomes that Include Suspension or Expulsion:

- (a) Outcomes applied by the Associate Vice President, Students to suspend or expel or exclude student from University facilities, may be appealed to the Provost and Vice-President Academic.
- (b) Appeals must be submitted in writing to the Provost and Vice-President Academic within 10 working days of the Student having received the decision from the Associate Vice-President Students.
- (c) Within 10 working days of accepting the grounds for appeal, the Provost and Vice-President Academic shall establish a University Appeal Board hearing panel and notify appropriate parties as outlined in the Policies and Procedures of the Non-Academic Appeal Board.
- (d) The University Appeal Board may further investigate the matter prior to rendering a decision.

8. Interim Conditions and Measures

8.1 Commitment to a Safe Community

Brock University exercises its authority and discretion with respect to the operation, protection and control of University Premises, and the regulation of persons on campus insofar as is necessary to ensure the safe and orderly performance of the University's functions.

8.2 Temporary Suspensions and Interim Measures

- (a) In situations where a Student's Misconduct affects others' use of University privileges and facilities, the Associate Director, Student Affairs (or designate) may recommend to the Associate Vice President, Students (or designate) to take steps to ensure the safety and welfare of the Brock Community. These circumstances include those where there are reasonable grounds to believe that the safety of other people is endangered, that damage to University property is likely or that the continued presence of the Student would be disruptive.
- (b) The Associate Vice President, Students (or designate) may temporarily suspend the Student or enact other measures to ensure the safety of the Brock Community. Upon imposition of interim measures, the Student will be excluded from campus, effective immediately, for as long as reasonably required by the nature of the situation. Best efforts will be made to notify the Student of this action, the length/terms of the temporary suspension and/or interim measures and a means to appeal the decision.
- (c) Other interim measures may include restrictions on a Student's movement on campus, non-association/no-contact directives, suspension of Student privileges and other conditions as reasonably necessary.
- (d) Temporary suspensions and other interim measures are in no way to be construed as indicative of responsibility and shall remain in place until the allegations are disposed of, or until other evidence emerges that indicates the risk of disconcerting behaviour has been alleviated.

8.3 Criminal Matters

When Brock University is made aware that criminal proceedings have been initiated against a Student, and the Student's presence impacts, or may impact, campus safety or vital University interests such as a safe learning environment, the Associate Vice President, Students (or designate) will determine how to proceed under this Code. This may include temporary suspension, or other measures appropriate to the circumstance.

9. Administration of the Code

9.1 Authority and Amendments

The Associate Director, Student Affairs, and the Associate Vice President, Students maintain this Code, which is reviewed annually and is subject to University Policy review procedures.

9.2 Campus Assessment, Response and Education

This Code confers authority to the Campus Assessment Response and Education Protocol to ensure the safety of the Brock Community.

9.3 Student Records

Records of outcomes other than suspension or expulsion will not be placed in the Student's academic records. Records of non-academic Misconduct decisions that are not deemed to pose a continuing risk to the Community, including charges and outcomes, will be maintained as part of the confidential records in Student Affairs for a period of four years after the date of infraction. Infractions that may pose a risk to the Community shall be maintained at the discretion of Student Affairs.