

## **Student Disciplinary Code**

### **APPENDIX A**

#### **GENERAL REGULATIONS ON CONDUCT**

The following general regulations have been approved by the Board of Governors of the University and are now in effect until such time as they may be revised by the Board.

- A. The University of New Brunswick is a community of faculty, staff, students and administrators involved in teaching, learning, research and related activities. The University assumes that students come to the University for a serious purpose and accept responsibilities as members of the University community.
- B. In accordance with the commitment set out in the University's Mission Statement to provide an environment conducive to the development of the whole person, all members of the University community - staff, faculty, students and administrators - have the right to work and/or study in an environment which affords them respect and dignity, and is free from danger, discrimination, harassment, intimidation, and behaviour which is destructive, disruptive, or unlawful.
- C. The University recognizes students' freedom to manage their personal lives, behaviour and interpersonal relations in a manner consistent with the above principles, with the laws of Canada and New Brunswick, and the University regulations. In exercising their entitlement to participate in University programs and activities, students are expected to:
  - abide by University regulations;
  - respect the integrity of University programs and activities;
  - acknowledge the diversity of the University community and the freedom of all members to participate in University programs and activities;
  - promote the peaceful and safe enjoyment of University facilities by other members of the University and public;
  - conduct themselves at all times in a manner that will reflect credit on themselves and the University.
- D. The University has defined standards of student behaviour and made provisions for student discipline when they engage in conduct that is inconsistent with the foregoing principles. It shall be deemed, and the Board considers, that each of the following types of conduct is a breach of University regulations, and is grounds for consideration of discipline up to and including suspension or expulsion. As the types of misconduct are stated in general terms, students are advised to familiarize themselves in greater depth with University regulations, and to consult with University officials where they have any doubt about the propriety of an intended action or behaviour.

Unacceptable types of behaviour include, but are not limited to:

1. violence, harm or threat to any person or the person's property;
2. unnecessarily endangering the health or safety of other persons;
3. possession of a firearm or other weapon on University premises without specific University permission;
4. acting or speaking in a disruptive, disorderly, indecent or offensive manner, or in a way that might reasonably cause fear;
5. unauthorized infringement or prevention of access by others to University classes, services, events, facilities and property;
6. disruption or obstruction of any authorized activity, event, class or service of the University, or interference with any person's rights to carry out legitimate activities, speak or associate with others;
7. refusal to comply with a reasonable request by authorized University officials including Security and the Student Campus Police;
8. failure to provide identification to authorized University officials when asked, or providing false identification or information;
9. obstruction of Security or Student Campus Police in the performance of their duties;
10. unauthorized use or occupation of any University property;
11. conduct that results directly or indirectly in damage, misuse, defacing, or theft of University property;
12. improper use or consumption of alcoholic beverages, restricted drugs, or intoxication or impairment in a public place;
13. other conduct that is prohibited or proscribed by University rule, regulation or policy;
14. contravention of any provision of any federal, provincial or municipal statute on University premises or while engaged in University authorized events or activities.

The **University of New Brunswick Act** provides broad authority for dealing with non-academic student conduct. For example:

- the President has broad discretionary powers including suspension for dealing with academic and non-academic disciplinary matters;
- the Board of Deans has jurisdiction for matters of student discipline;
- the Board of Governors may approve the expulsion of a student from the University;
- the Board of Governors may make rules and regulations for the discipline of students and the imposition of fines and other penalties and sanctions; the Student Disciplinary Code and the Internal Residence Policy are examples.

As a general principle, the various authorities for dealing with student discipline shall be exercised so as to avoid the imposition of punishment by more than one authority for the same or an included offence.

This principle shall not preclude University authority being exercised to suspend a student from the University, or to suspend or evict a student from a University residence, pending or following the imposition of discipline, where such action is deemed to be in the best interests of the University community.

This principle is not intended to preclude a student organization from taking action against a student in accordance with its constitution and bylaws on the same facts giving rise to disciplinary action under University authority.

Information regarding University disciplinary regulations and procedures is available from the offices of the Director of Student Affairs and Services, the Director of Security and Traffic, the Chief of Student Campus Police, and the Commissioner of Student Discipline on the UNBF campus and from the Director of Student Services and the Manager of Safety and Security on the UNBSJ campus.

When students believe that a member of the University community has violated the principles stated in B above in relation to them, or where students are uncertain about whether behaviour they are contemplating may violate University regulations, they should consult the Chair of their Department, or the Dean of their Faculty, or the Director of Student Affairs and Services (UNBF), or the Director of Student Services (UNBSJ), or the Director of Security and Traffic (UNBF) or the Manager of Safety and Security (UNBSJ), or the Chief of Student Campus Police, or the Commissioner of Student Discipline, as appropriate.

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## **Student Disciplinary Code**

### **APPENDIX B**

#### **MEMBERSHIP OF STUDENT DISCIPLINARY COMMITTEES**

(All appointments subject to C. 3. of the Code)

#### **FREDERICTON CAMPUS**

1. Chair - a law student entering third year, nominated by the Vice-President (University of New Brunswick) of Council in consultation with the LSS President;
  - responsible for the processing of charges submitted to the SDC for the conduct of hearings, and for the administration of disciplinary matters as stated in this Code.
2. Vice-Chair - a law student entering second year, nominated by the Vice-President (University Affairs) of Council in consultation with the LSS President;
  - responsible for performing all or any of the functions and duties of Chair when acting in that capacity.
3. One Student who is a member of Council, nominated by the Vice-President (University Affairs) of Council.
4. Four Students nominated from the general student body by the Vice-President (University Affairs) of Council, excluding CP and Council Executive officers, one of whom shall be a registered graduate student.
5. Six Alternative Students, nominated by the Vice-President (University Affairs) of Council in consultation with the SDC Chair, who shall be called upon to ensure a quorum when regular Committee members are not available.

#### **SAINT JOHN CAMPUS**

1. Chair - a student entering the third or subsequent year of study, nominated by the President of Council in consultation with the President of OPTAMUS and the outgoing or immediate-past Chair of the SDC.
  - responsible for the processing of complaints submitted to the SDC, for the conduct of hearings, and for the administration of disciplinary matters as stated in this Code.
2. Vice-Chair - a student nominated by the joint student executive council who is responsible for performing all or any of the functions and duties of Chair when acting in that capacity.
3. One Student who is a member of Council, nominated by the President of Council.

4. Three Students from the general student body, one from each Faculty where possible (excluding CP and Council Executive officers), nominated by the President of Council in consultation with the SDC Chair.
5. President of Council or designate.
6. President of OPTAMUS or designate.
7. Four Alternative Students, nominated by the President of Council in consultation with the President of OPTAMUS and SDC Chair, who shall be called upon to ensure a quorum, when regular Committee members are not available.

Revised: 2 June 1999

## **APPENDIX C**

UNIVERSITY OF NEW BRUNSWICK

### **PROCEDURES CONCERNING NOTICES UNDER THE TRESPASS ACT**

**(S.N.B. 1983, c. T-11.2)**

The **Trespass Act** provides a means of ordering someone, with due notice, not to trespass, and sets out penalties on summary conviction for violation of that notice. The notice may be given by word of mouth or in writing by an authorized person.

Under the Act "an authorized person" means an owner or occupier of premises, forest land or land used for agricultural purposes and an agent of an owner or occupier thereof. The Act (S. 2) provides that no person shall trespass on the premises of a university "with respect to which he has had notice from an authorized person not to trespass." It also provides (S. 7) that the owner or occupier of premises "may require any person he believes on reasonable and probable grounds to have committed an offence under this Act [i.e. to have violated a trespass NOTICE] to identify himself."

UNB procedures for the issuance of NOTICES are as follows:

1. A Trespass NOTICE should be issued only after other reasonable avenues for resolving a situation have been explored, and should be issued by authorized University officer.
2. A word-of-mouth NOTICE may be given by any authorized person who has the responsibility for the condition of, the activities conducted on and the persons allowed to enter the relevant premises. Authorized person includes Deans, the Director (Residential Life and Conference Services); the Associate Director (Residential Life); residence Dons and Proctors, Residence Assistants (RA); Campus Security; Student Campus Police and others with direct responsibility for specific premises (e.g. SUB Director, Bookstore Manager, Dining Hall Manager, Associate Director (Conference Services).

On the Saint John campus the authorized persons are the Manager of Security and Safety or the Vice-President (Saint John), Security, CP, residence Dons and Residence Assistants (RA's).

3. A word-of-mouth NOTICE must be reported to the Director (Residential Life and Conference Services) or designate (in cases occurring in the Residence system) or the University Secretary or designate who will cause a formal written NOTICE (model attached) to be issued if one is deemed necessary. Persons giving a NOTICE must also report the incident to their immediate superior. UNB Security will continue to issue their own written notices, copied to the University Secretary.
4. The written NOTICE should be delivered as follows:
  - a. to persons residing in Fredericton/Saint John, by UNB Security;
  - b. to persons outside Fredericton/Saint John, by Registered Mail or equivalent means.

5. The word-of-mouth NOTICE does not have to contain anything more than the following statement:

"Under the **Trespass Act** you are given NOTICE, that you are to leave these premises immediately. If you refuse or return, a peace officer will be called."

UNB Security, Student Campus Police, or in extreme cases the City Police, may be called for assistance.

6. When a word-of-mouth NOTICE is given, or subsequent trespass is committed, the person should be asked to identify him/herself: failure to do so renders the person liable to arrest.

**NOTE:** it is important that the subject of a NOTICE be accurately and adequately identified -- i.e., full name, local address and student I.D. number (if applicable).

7. If the subject of a NOTICE (or trespasser) refuses either to identify him/herself or to leave, UNB Security should be advised. Security in turn will call the City Police.

The trespasser should be kept under observation so that a full statement of the violation can be given to the Police Officer. The Police should also be provided with a copy of the written NOTICE where such exists.

**NOTE:** The remedy of self-help (i.e. forcibly detaining a trespasser until the Police arrive) is available in a trespass situation but should be resorted to only in extreme cases where there is an immediate concern for personal safety.

8. Copies of the NOTICE should be circulated as appropriate, and may be displayed where deemed necessary.

**NOTE:** a photograph should be obtained, if possible, and included in the posted NOTICE.

9. Termination or modification of a Notice may be given by an authorized University official in consultation with the office issuing the written NOTICE, and must be in writing to the recipient, with copies to appropriate University officials.

## **APPENDIX D**

### UNIVERSITY OF NEW BRUNSWICK

#### **RESIDENCE COMMUNITY DISCIPLINE**

The following policy and procedures, recommended by the Joint Board/Senate Residence Committee and by the Student Discipline Supervisory Board, were approved by the Board of Governors on 19 November 1981. (Revised 1988, 1996, 1998. Further revisions pending.)

#### **GENERAL**

The Director (Residential Life and Conference Services) on the Fredericton campus is responsible to the University for all matters concerning the admission, control, residence programming, and general behaviour of all students in residence. This includes supervising and coordinating the educational and administrative work of the Associate Directors, Dons, Associate Dons, Resident Fellows, Proctors and Academic Resource Persons of the various houses within the Community.

The Director of Student Services on the Saint John campus is responsible to the University for all matters concerning residence student life and behaviour on that campus. This includes supervising and coordinating the educational and administrative work of the Don and Residence Assistants (RA) of the campus residence.

#### **A. RESIDENCE DISCIPLINE**

1. In matters of internal residence discipline, the Director (Residential Life and Conference Services) (UNBF) or the Director of Student Services (UNBSJ) is the University's officer responsible. Included in these responsibilities is the power to fine, and otherwise discipline, admit, evict, and readmit students as appropriate.
2. The Dons, in turn, are responsible to the Director (Residential Life and Conference Services) (UNBF) or the Director of Student Services (UNBSJ) for student discipline in their particular residences. This includes responsibility for appropriate disciplinary action within their houses, including overseeing the actions of a House Discipline Committee where such a committee exists.
3. The decision either to transfer a student from one residence to another or to suspend or evict a student from the Residence Community will be made by the Director (Residential Life and Conference Services) (UNBF) or the Director of Student Services (UNBSJ) on the recommendation of the Don (or Dons, if more than one house is involved).
4. All matters of disciplinary action with the residences involving residence students will, in general, be carried out within that community, and in accordance with the rules and procedures developed by that community.
5. Rules and conduct and disciplinary offences applicable to the Residence Community include the general regulations on conduct contained in Section B of the *Undergraduate Calendar*, all offences and sanctions specified within Section D of the Student



Disciplinary Code, the Terms and Conditions set out within the Residence Agreement, applicable University policy, and the rules adopted by each house.

6. As a general principle, the various authorities for dealing with student discipline shall be exercised so as to avoid the imposition of punishment by more than authority for the same or an included offence.

This principle shall not preclude University authority being exercised to suspend a student from the University, or to suspend or evict a student from a University residence, pending or following the imposition of discipline, where such action is deemed to be in the best interests of the University community.

This principle is not intended to preclude a student organization from taking action against a student in accordance with its constitution and by laws on the same facts giving rise to disciplinary action under University authority.

#### **B. DISCIPLINE OF NON-RESIDENCE UNB STUDENTS**

When non-residence students are involved in disciplinary offences within or adjacent to UNB residence buildings, complaints shall be processed in accordance with the Student Disciplinary Code or handled by another means available to UNB.

#### **C. APPEALS**

1. Matters of internal house discipline can be appealed to the Director (Residential Life and Conference Services) (UNBF) or the Director of Student Services (UNBSJ). Any further appeal should not be permitted except in unusual cases, at the discretion of the Commissioner of Student Discipline.
2. Appeals from a decision of the Director (Residential Life and Conference Services) or the Director of Student Services involving breaches of natural justice should be directed to the Commissioner of Student Discipline who may refer the appeal to the Board of Deans. Students may seek assistance from the Director of Student Affairs and Services or the Student Advocate (UNBF), or the Assistant Vice-President (Academic Support Services) (UNBSJ).

Revised: 2 June 1999

## **APPENDIX E**

### **MARTIN'S CRIMINAL CODE CANADA EVIDENCE ACT -- SECTION 5**

INCRIMINATING QUESTIONS -- Answer not receivable against witness.

5.

(1) No witness shall be excused from answering any question upon the ground that the answer to such question may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or of any person.

(2) Where with respect to any question a witness objects to answer upon the ground that his answer may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or of any person, and if but for this Act, or the Act of any provincial legislature, the witness would therefore have been excused from answering the question, then although the witness is by reason of this Act, or by reason of such provincial Act, compelled to answer, the answer so given shall not be used or admissible in evidence against him in any criminal trial, or other criminal proceeding against him thereafter taking place, other than a prosecution for perjury in the giving of such evidence. R.S., c.307, s. 5.