

SMC RESIDENCE CODE OF DISCIPLINE, 2007 - 2008

PREAMBLE

The 'SMC Residence Code of Discipline' sets out the penalties that follow from violations of the various agreements, rules, codes and policies of the SMC Student Residence. The sanctions specified in this code are intended to govern behaviour that is deemed incongruent with, or offensive to, the tradition, mission and identity of St. Michael's as the Catholic College in the University of Toronto. In the application of this code, the degree to which any one violation is sanctioned will be determined by the Dons or the Dean of Students, as the case may be, with regard to the nature of the offence, and the severity to which it has been breached. This code applies to all those living in the SMC Student Residence and holds residents responsible for the conduct of their guests.

TYPES OF OFFENCES

Level 1: The possible sanctions that may be imposed by the Dons or the Dean of Students for Level 1 offences include, but are not limited to, any one or a combination of the following: oral warnings, written warnings, restitution, and fines with a minimum of \$20 and a maximum of \$50. If a student commits three Level 1 offences, the fourth and any subsequent Level 1 offence shall be escalated and treated as a Level 2 offence. The sanctions for simultaneous Level 1 offences shall be meted out individually. Level 1 offences include but are not limited to:

- Creating a level of noise such that other residents are disturbed or a Don has to request a moderation in volume (this includes music, voices, TV, etc.);
- Violating the policy governing residence visiting hours;
- Possession of public property (i.e. pylons, street signs, shopping carts, paper boxes, etc.);
- Smoking in areas of the college that are designated as non-smoking;
- Disorderly conduct in the Canada Room;
- Publicly posting material which could be deemed offensive or contrary to the values and identity of SMC;
- Violating the policies governing cooking in residence and/or the possession of open element appliances;
- Failing to abide by the policies governing the safe and moderate use of electrical appliances, computers and other implements;
- Failing to maintain one's room or common areas in a clean, orderly manner;
- Aiding and abetting, conspiring or inciting others to commit Level 1 offences;
- Any disorderly, destructive, or offensive behaviour which is commensurate with a Level 1 Offence.

Level 2: The possible sanctions that may be imposed by the Dons or the Dean of Students, for Level 2 offences include, but are not limited to, any one or a combination of the following: oral warnings, written warnings, fines with a minimum of \$50 and a maximum of \$100, restitution, and community service. If a student commits two Level 2 offences, the third and any subsequent offence shall be escalated and treated as a Level 3 offence. Level 2 offences include but are not limited to:

- Any three and subsequent Level 1 offences;
- Failing to adhere to oral or written instructions/requests issued by a Don, the Dean, or any member of the residence life staff;
- Inappropriate, insubordinate or offensive conduct directed to a Don, the Dean, or any member of the residence life or College staff;
- Violating the policies governing the possession and consumption of alcohol in residence;
- Violating the guidelines and policies that govern parties in residence;
- Damaging or destroying College property whether or not such conduct is negligent;
- Throwing, letting drop or propelling any object from a residence window;
- Violating the policies governing the meal plan and the dining room, including removing food, dishes or cutlery from the Canada Room, or sneaking or attempting to sneak people into the Canada Room without paying;
- Causing a fire alarm, or causing a fire alarm to be triggered by cooking or smoking;
- Violating the prohibition against pets in residence;
- Violating residence security by duplicating residence keys;
- Compromising the security of others by propping open exterior doors to residence houses or SMC buildings;
- Violating or attempting to violate the overnight guest rule;
- Trespassing in areas of the College that are known, or ought reasonably be known, to be off limits to residents;
- Permanently altering the physical condition of one's room without permission including tampering with the electrical, heating, ventilating, air-conditioning, plumbing or network infrastructure;
- Aiding and abetting, conspiring or inciting others to commit Level 2 offences;
- Any disorderly, destructive, or offensive behaviour that is commensurate with a Level 2 Offence.

Level 3: Sanctions for Level 3 violations are the responsibility of the Dean of Students or his designate. The sanctions for any Level 3 offence include, but are not limited to, any one or a combination of the following: fines levied by the Dean of Students or his designate, restitution, community service, disciplinary probation, eviction and/or a formal ban from residence. Students may also be charged under the 'University of Toronto Code of Student Conduct' or the 'Criminal Code of Canada' as the case may warrant. Level 3 offences include but are not limited to:

- Any two or subsequent Level 2 offences;
- Willfully damaging residence property or the property of others;
- Theft of College property or the property of others;
- Violating the rules pertaining to drug use;
- Engaging in physical altercations, assaults or violence of any kind;
- Sexual assault (as defined in the SMC Rules of Residence);
- Engaging in lewd, indecent or sexual activities in public/shared areas;
- Threatening or harassing behavior;
- Sexual harassment (as defined in the SMC Rules of Residence);
- Tampering with security or fire safety equipment;
- Any possession of proscribed, dangerous or illegal substances;

- Aiding and abetting, conspiring or inciting others to commit Level 3 offences;
- Any disorderly, destructive, or offensive behaviour that is commensurate with a Level 3 Offence.

DISCIPLINARY SANCTIONS

The following sanctions will be imposed by the Dons or the Dean of Students for infractions falling under the SMC Code of Discipline. Sanctions will be imposed based on the nature and severity of the offence committed.

Any decision by a Don may be appealed to the Dean of Students for reconsideration. Any decision or sanction imposed by the Dean of Students is final and binding.

Oral Warnings: These are statements issued verbally by the Dons outlining the violation(s) falling under this code. A written record of oral warnings may be kept by the Dons in order to track repeat offenders.

Written Warnings: These are official documents issued by the Dons or the Dean of Students which outline the violation(s) falling under this code. They will contain the date, time and name(s) of those involved. A copy of all written warnings issued by the Dons will be sent to the Dean of Students and stored in the resident's permanent file.

Fines: A fine is an order to pay a monetary penalty for violations falling under this code. Monetary fines may be imposed for any level of offence. There are three kinds of fines: (a) Level 1 fines are issued by the Dons or the Dean and range from \$20 to \$50 depending on the severity of the offence. (b) Level 2 fines are issued by the Dons or the Dean and range from \$50 to \$100 depending on the severity of the offence. (c) Level 3 fines are issued by the Dean or his designate and will range in sum depending on the severity of the offence. Payment must be made, or a payment plan established with the Don, the Dean or his designate, within 7 working days of the order.

Community Service: This is an order to pay a set number of hours of work within the residence or larger community as punishment for Level 2 or 3 violations. It is issued in place of a fine.

Restitution: This is an order to render monetary compensation for any damage or loss to College or personal property. Payment must be made, or a payment plan established with the Don, the Dean or his designate, within 7 working days of the order. An order to provide restitution may also be accompanied by a fine.

Disciplinary Probation: Residents who have committed repeated offences, or who have committed an offence that is deemed particularly serious in nature, may be placed on disciplinary probation by the Dean of Students. Disciplinary probation will normally include a behavioral contract and may also include a performance bond (i.e. a sum of money deposited with the College that will be forfeited if the terms of the contract are breached). Breaching the terms of probation will result in eviction from residence and may lead to a Residence Ban.

Denial of Readmission: At the end of each year, all Dons are required to make recommendations to the Dean of Students about who should or should not be readmitted to residence the following year. These recommendations fall into three categories: (1) Students who should be readmitted. (2) Students who should be considered a low priority for readmission. (3) Students who should not be readmitted. Dons are permitted to make recommendations for students who are not in their own house. Students who have been evicted will not be invited back for the next academic year.

Eviction: When deemed necessary by the Dean of Students, a resident will be required to leave residence, with all his possessions, within 48 hours. He will receive written notification stating why he is being evicted and any other conditions that may apply.

Residence Ban: A formal residence ban means that persons will no longer be permitted access to the residence buildings or to any other buildings or rooms that fall under the residence jurisdiction. Campus Police and College Security will be notified of all ban cases and those who violate their ban restrictions will be formally charged under the 'Trespass to Property Act'. Students may request to have their ban status lifted after a period of one year. This request must be in writing and will be decided by the Dean of Students.
