

University of St. Michael's College Code of Conduct

Section I

Preamble.

The USMC Code of Conduct (USMCCC) is based on the principle that members of the College are adults fully responsible for their own behaviour. The following acknowledge their membership in a community governed by the Collegium of the USMC: students of St. Michael's College, the Faculty of Theology, the Division of Continuing Education, the Pontifical Institute of Mediaeval Studies (PIMS) and other members of St. Michael's College (residents of St. Michael's College, St. Joseph's College or Loretto College not registered at St. Michael's College). As such, members of the USMC are subject to the authority of the USMC in matters relating to non-academic discipline.

The USMCCC shall apply to all non-academic discipline matters for the student members of the USMC whether arising on or off USMC property. The USMC acknowledges the authority of the Code of Behaviour on Academic Matters as established by the Governing Council of the University of Toronto. The USMC also acknowledges that, where applicable, the rules of residence governing the residences of Loretto College, St. Joseph's College and St. Michael's College, supersede this Code. Conduct constituting a breach of the Criminal Code or other statutes which would give rise to a civil claim or action will ordinarily be dealt with by the appropriate court.

Section II

Jurisdiction.

The USMCCC shall apply to all full-time and part-time students of St. Michael's College, all residents of St. Michael's College, Loretto College and St. Joseph's College not registered at St. Michael's College, all students registered in programmes at the University of St. Michael's College and all students registered in programmes at the PIMS.

Section III

The USMC Code of Non-Academic Offenses.

1. Proper Conduct

All students of St. Michael's College and the University of St. Michael's College must conduct themselves in a proper fashion at all times.

2. Disruption and Disturbance

University life encompasses teaching, research, studying, administration, student activities, meetings of clubs and societies, and other academic or para-academic pursuits. Disrupting or disturbing these activities by action or by threat is not permitted and constitutes an offence under the SMCCC.

3. Theft, Damage, Destruction

The USMCCC covers all property used in or by the USMC, and the belongings of students and staff housed in the USMC, including (but not limited to) equipment, books, art, sculpture, furniture and personal papers. The basic fabric of the building (including decorative elements, signs, fire equipment, light fixtures, and the like) and the landscaping elements (including plants, shrubs, trees, seating, fences, signs, etc.) are included here as well. Anyone who steals, damages, destroys, defaces, or otherwise vandalizes such property commits an offence; it is also an offence knowingly to possess stolen property.

4. Unauthorized Entry, Presence, or Use

While the USMC contains many public and semi-public spaces, much of it is considered private space: private offices, secretarial offices, and the like. Anyone commits an offence who gains unlawful or unauthorized entry to private rooms or offices, whether locked or not; who makes unauthorized use of University facilities, equipment or property; who tampers with fire or other safety or security equipment; or who gains unauthorized entry to the University buildings when the buildings are locked.

5. Harassment

Life at the University is based on mutual respect, consideration, and tolerance. It is, therefore, an offence to assault another person; to harass another person; to discriminate on the basis of race, religion, colour, national origin, citizenship, sex or sexual orientation; to prevent staff, by persistently offensive behaviour, from carrying out their normal duties; knowingly or maliciously to bring a false charge under the USMCCC against any member of the St. Michael's community.

6. Counselling or Knowingly Aiding in the Commission of an Offence

It shall be an offence to counsel or aid another in the commission of an offence.

7. Criminal or Civil Actions

Conduct constituting a breach of the Criminal Code or other statute or which would give rise to a civil claim or action will ordinarily be dealt with by the appropriate court. Where it appears that an offence may have been committed and where criminal proceedings would be inappropriate or fail to protect adequately the good order and proper functioning of St. Michael's programmes and activities, the safety, rights or property of its members or visitors, or the property of the USMC itself, proceedings may be brought under the USMCCC.

Section IV

Informal Procedures for Handling Violations of the USMCCC.

Given the strong sense of community at the University of St. Michael's College, violations of the USMC Code of Non-Academic Offenses will initially be dealt with as informally as possible, prior to recourse to formal procedures. The Dean of College of the USMC (hereafter known as "the Dean") may act as the mediator in the resolution of matters brought before the Dean informally. If the Dean is unsuccessful in mediation, then the complainant or the Dean may initiate the formal procedures outlined below.

Section V

Formal Procedures for Handling Violations of the USMCCC.

A. Principles.

The formal procedures adhere to the principles of natural justice as contained in the provisions of the Statutory Powers Procedure Act, (R.S.O. 1980, chapter 484). These principles include reasonable notice of the nature and source of the charge, an opportunity to hear and to answer evidence, an opportunity to submit evidence and arguments and the right to a decision on the merits of the case by a disinterested person or persons.

B. Powers.

1. The judicial authority for dealing with violations of the USMCCC is that of the Dean. If the Dean is satisfied that all reasonable attempts of reason and moral suasion have been made to resolve the violation of the USMCCC, proceedings will be initiated as outlined below.
2. If the Dean is deemed to be an interested party in the incident to be judged, a third party will adjudicate. In the case of members of St. Michael's College, the Principal of St. Michael's College will adjudicate. In the case of students registered in programmes in the Faculty of Theology of the USMC, the Dean of Theology will adjudicate. In the case of students registered in programmes in Continuing Education, the Director of Continuing Education will adjudicate. In the case of students registered in programmes at the Pontifical Institute of Mediaeval Studies, the Praeses of PIMS will adjudicate. Where such is the case the procedures will be as outlined below, substituting "Principal", "Dean of the Faculty of Theology", "Director", or "Praeses" for "Dean".

C. Procedures.

1. A complaint is lodged by the completion of a USMCCC Complaint Form and its delivery to the Dean. The person making the complaint is hereafter referred to as the "complainant". If the Dean is the person making the complaint then the Principal will be the adjudicator.
2. The Dean will inform the alleged offender in writing of the nature of the offence and the nature and source of the complaint against him or her.
3. The alleged offender will be asked to appear before the Dean. An opportunity to hear and answer any evidence used to substantiate the charge, and to submit evidence and arguments will be given.
4. Having heard evidence from the alleged offender and those able and willing to give evidence, the Dean will render a decision which will be communicated to the complainant and the alleged offender.
5. If it is decided that an offence has been committed, the Dean will also render a decision as to punishment. Punishment for offences of the USMCCC may include reprimands, orders for the restitution of property, orders for the payment of damages, fines or good behaviour bonds, or the denial of access to or suspension from, specific services, activities or facilities of the USMC for a period of up to one year.

These penalties may, indirectly, affect a student's capacity to participate in an academic programme. Neither academic suspension or expulsion, or other penalty that directly affects a student's academic status, may be imposed under the terms of this Code.
6. The decision rendered by the Dean and the punishment rendered by the Dean will be communicated in writing to the sanctioned student and to the interested parties. A record will be kept of any disciplinary action taken against students under this policy. However, such records will not be part of the student's academic record, nor appear in any form on a transcript.

Section VI

Procedures for Appeals.

A Committee of Appeal is empowered to hear appeals of the decisions of the Dean in the implementation of the Code of Conduct.

1. A sanctioned student or any complainant may appeal any decision taken under the Code of Conduct made by the Dean. An appeal must include a written statement of the grounds of the appeal and must be submitted to the Principal (or the President of the USMC if the Principal was the adjudicator in the hearing).

Where such is the case the procedures will be as outlined, substituting "President" for "Principal") within seven days of the notification of the imposition of the sanction or of the decision of the Dean.

2. In the case of an appeal against a decision taken by the Dean, the Principal shall arrange for a formal hearing before the Committee of Appeal within thirty days from the filing of the appeal.
3. Parties to the appeal shall be informed in writing that the issue is to come before the Committee of Appeal.
4. The Committee of Appeal may decide not to hear an appeal against the decision of the Dean if a simple majority of its members, after notification by the Principal, and after consideration of the complainant's or the appellant's written statements, deem a charge or an appeal to be of a frivolous or vexatious nature.
5. The individual who has launched an appeal may make an oral presentation to the Committee at his or her own request.
6. The Committee of Appeal will be composed of the Principal, the Registrar, one Faculty member and one student member chosen by lot from any of the Councils of St. Michael's College, the Faculty of Theology or the PIMS and one member chosen by lot from any of the student councils of St. Michael's College, Theology or PIMS. Only those who have not previously taken part in the investigation of the facts and who have not been consulted in the adjudication process may hear an appeal.
7. Decisions of the Committee of Appeal, whether to review a decision, or to impose punishment, or to confirm, deny, increase or lessen a penalty upon appeal, require the support of a simple majority of its members.
8. Subject to the Statutory Powers Procedure Act (R.S.O. 1980, chapter 484), all decisions of the Committee of Appeal are final.

Approved by the Collegium of the USMC on May 30, 1989.
Amended by the Collegium of the USMC, January 30, 1990.