Student Disciplinary Code

On November 18, 1980 the Board of Governors of the University of New Brunswick approved a Student Disciplinary Code, the provisions of which established a mechanism for self-discipline among students. The very concept of self-discipline reveals a philosophy held by the administrators at this University. They recognize that university life creates a special environment and that student discipline should be administered by individuals who are the most familiar with this environment -- the students themselves.

The merits of a self-discipline approach are most evident when one considers as an alternative the criminal or civil justice system. Judges apply a community rather than a university standard of behaviour. The impact of a court ruling often involves jail terms, a criminal record, adverse publicity and invariably a lawyer's bill.

Quite simply, the self-disciplinary model allows students charged under our code to be charged, judged and sentenced by his peers in a speedy, informal and inexpensive fashion.

It is important to emphasize that the student disciplinary model cannot replace the laws of our courts -- it can only offer an alternative to them. If a victim insists on commencing legal action against a student, our Committee would lose control over the case. Obviously, it is in the interests of all students that we prove to the University administration and everyone else both on and off the campus that our Committee can produce just results for the victim and the accused.

The most lenient sanction which the Committee could impose is the levying of a $20.00 fine which is common in a case where the accused party pleads guilty to a minor offence. The most stringent sanction available to the Committee is that of a recommendation for suspension of expulsion to the Board of Deans.

Further provisions in the Student Disciplinary Code outline the structure of the Student Disciplinary Committee. The Committee is to be composed of eight individuals representing the collective interests of students from across campus. The Code specifies that the positions of Chairperson and Vice-Chairperson be occupied by a third year and a second year law student respectively. These positions are currently occupied by Sandra J. Zed and Mario DiCarlo. In addition, there is one faculty member sitting on the Committee, Professor Peter Kent of the History Department. The recording secretary of the SRC sits as a non-voting member of the Committee. The other four individuals are selected in accordance with the "Appointment of Officers" section of the Code. All of the members of the Committee are ratified by the University's Board of Governors.

It is significant to point out that the Student Disciplinary Code provides for a Supervisory Board which is composed of seven members appointed by the Board of Governors. The Supervisory Board works in conjunction with a Commissioner of Student Discipline (Dr. Woodfield), also appointed by the Board of Governors, to achieve and maintain efficiency in the carrying out of the Code's objectives. The Supervisory Board also accepts and considers recommendations for amendments to the Code. Furthermore, the Supervisory Board is composed of both student and faculty members. Professor David Townsend of the Faculty of Law sits as a member of the Supervisory Board and serves as a technical advisor to the Chairperson on legal and procedural matters.

There are presently four unoccupied positions on the Student Disciplinary Committee and interested students are encouraged to apply for these through the SRC office. Applications are being accepted until October 1, 1982.

PREAMBLE

This code has been established to provide students with a mean of self-discipline. It is not meant as a replacement to the laws governing the community as a whole but as an alternative, whereby the University recognizes the special environment it creates and chooses to discipline students in that light.

A. INTRODUCTION

1. The University of New Brunswick Student Disciplinary Code, hereinafter called the "Code," shall extend to include all students registered at the University of New Brunswick whilst on the University of New Brunswick campus. It shall also extend to off-campus events to which student police have been assigned. By definition: a student is a person registered as a student at the University of New Brunswick.

2. The Code is enacted to facilitate the regulation of students of their own conduct and is not designed to place the University "in loco parentis" to any student.

3. No one shall be subjected to prosecution for an offence under this Code if they had already been convicted of the same or an included offence in a Court of Law.

4. If a student has been charged with an offense under this Code, he/she shall not be charged by student organizations on the same facts under the regulations adopted by that organization.

5. There shall be a Student Disciplinary Committee which shall hear and dispose of charges laid against students with respect to any of the offences defined in this Code. The Student Disciplinary Committee shall be composed, and its proceedings shall be conductd in accordance with the provisions of the Code.

6. The residences of the University of New Brunswick may adopt the Code for use in their Residence Disciplinary Committee and, where such adoption is made, Division A and E only of the Code shall apply to the Residence Disciplinary Committee. Where the adoption is made by the residence, the jurisdiction of the Code shall apply to a student living in a University residence. A student shall not be prosecuted by the Student Disciplinary Committee if being prosecuted by the Residence Disciplinary Committee for the same offence.

B. APPOINTMENT OF OFFICERS

The Board of Governors of the University of New Brunswick annually shall appoint officers as listed hereunder for the implementation of the Code and the operation of the Student Disciplinary Committee, and the Board may delegate its authority to individual officers as necessary for the effective performance of their duties.

1. Commissioner of Student Discipline.
2. A Technical Advisor.
3. Student Disciplinary Committee - consisting of: Chairman, Vice-Chairman, four student members, a member of faculty, Recording Secretary of SRC (Secretary), and to alternate student members.

C. STUDENT POLICE

The Student Police shall comprise such members and shall perform such duties as specified in the Code or as shall be assigned by the Commissioner of Student Discipline from time to time. The Student Police shall be constituted and shall be responsible to the Student Representative Council as set forth in SRC Resolution 5.

D. SUPERVISORY BOARD

1. There shall be a Supervisory Board which shall administer the Code in co-operation with the Commissioner.

2. The Board shall consist of seven members appointed by the Board of Governors and shall include the Presidents, respectively, of the Student Representative Council, the Graduate Student Society, the Law School Society, (or their designates), the Director of Physical Plant (or his/her designate), a member of the Board of Governors, the Dean of Students, and the President and Vice-Chancellor (or his/her designate). Appointments whall be for one year and shall be renewable.

3. The Board will elect its own Chairman annually, and the Commissioner shall be Secretary, non-voting.

4. The Supervisory Board shall receive an annual report from the Commissioner and shall make recommendations accordingly and which may include recommendations for amendment of the Code.

E. OFFENCES

1. OFFENCE: (a) Any student who is in possession of, or consumes alcoholic beverages at any events sponsored by the University, or any one of its duly constituted or recognized bodies; which events are designated as "dry events," is guilty of an offence;

(b) Any student whilst acting as a bartender who, after having been ordered otherwise by an on-duty University Security or Student Police Officer, serves liquor to a person who appears to be intoxicated (to the on-duty officer) is guilty of an offence;

(c) Any student who consumes alcoholic beverages at any event sponsored by the University, or any of its duly constituted or recognized bodies, following an order to the contrary by an on-duty University Security or Student Police Officer, is guilty of an offence;

(d) Any student sponsor of an event who knowingly permits University violations of subsection 1(b) or 1(c), after an order to the contrary by University Security or Student Police Officer, or who fails to follow the reasonable directions of University Security or Student Police Officer with regard to the control and supervision of the sponsored event is guilty of an offence.

SANCTIONS: (a) Fine up to and including fifty dollars ($50.00); AND/OR
(b) Restriction of student social privileges.

DEFINITION: For the purpose of subsection 1(d) "student sponsor" shall be defined as a student who signs the contract of services with the Physical Plant and/or identifies himself/herself as such to the University Security or Student Police Officers assigned to the event.

2. OFFENCE: Any student who
(a) assaults any person;
(b) assaults an on-duty Campus Security or Campus Police Officer;
(c) acts in a manner which does harm to persons or property or threatens harm to persons or property;
(d) acts in a disorderly manner which does harm to persons or property or threatens harm to person or property;
(e) acts in an indecent manner which does harm to person or property or threatens harm to persons or property;

is guilty of an offence.

SANCTION: (a) Fine up to and including one hundred and fifty dollars ($150)
AND/OR
(b) Restrictions of student social privileges; OR
(c) Recommendation that the student be suspended or dismissed from the University.

3. OFFENCE: Any student who unlawfully possesses, damages or commits trespass on or to University of New Brunswick Property, or property at events to which Student Police have been assigned, or who misuses any fire protection equipment, is guilty of an offence.

SANCTIONS: (a) Restitution for the property damage suffered; AND/OR
(b) Fine up to and including one hundred dollars ($100); AND/OR
(c) Restriction of student social privileges; OR
(d) Recommendation that the student be suspended or dismissed from the University.

4. OFFENCE: Any student who commits or attempts to commit theft either on University of New Brunswick property or at an event to which Student Police have been assigned is guilty of an offence.

SANCTIONS: (a) Fine up to and including one hundred dollars ($100) and restitution; AND/OR
(b) Restriction of student social privileges; OR
(c) Recommendation of suspension or dismissal from the University.

5. OFFENCE: Any student who wilfully obstructs a Student Police Officer or University Security Officer in the performance of his duties is guilty of an offence.

SANCTIONS: (a) Fine up to and including fifty dollars ($50); AND/OR
(b) Restriction of student social privileges.

6. OFFENCE: Any on-duty Student Police Force personnel who fails to wear the required fo of external identification identifying him or herself as a member of the Student Police Force at a function to which he or she is assigned is guilty of an offence.

SANCTIONS: (a) Fine up to and including fifty dollars ($50); AND/OR
(b) Dismissal from the Student Police Force.

7. OFFENCE: Any student who violates the "NO SMOKING" restrictions in effect in a building in which an event is being held to which Student Police have been assigned is guilty of an offence.

SANCTION: Fine up to and including twenty dollars ($20).

8. OFFENCE: (a) Any student who knowingly allows his/her I.D. Card to be used by another is guilty of an offence; OR
(b) Any student who wrongfully uses or falsifies an I.D. card is guilty of an offence.

SANCTIONS: (a) Fine up to and including seventy dollars ($70.) AND/OR
(b) Restriction of student social privileges.

9. OFFENCE: (a) Any student who interrupts the proceedings of the Student Disciplinary Committee hearing: OR
(b) Any student who refuses to comply with an order of the Student Disciplinary Committee, is guilty of an offence.

SANCTION: By order of the Acting Chairperson a maximum fine of twenty-five dollars ($25.) Punishment is immediate for offences committed at the hearing and no process of evidence is necessary.

10. OFFENCE: Any student who obtains or attempts to obtain by unlawful mean, meals or other food at the University of New Brunswick is guilty of an offence.

SANCTIONS: (a) Restitution for the value of the food or meals obtained, OR
(b) Restitution for the value of food or meals which the Committee believes beyond a reasonable doubt was obtained by the student prior to his or her apprehension; AND/OR
(c) Fine up to and including fifty dollars ($50.); AND/OR
(d) Restriction of student social privileges.

F. RULES OF PROCEDURE

1. The parties to any proceedings shall be the persons specified as parties by or under the Code provisions under which the proceedings arise.

2. (a) The parties to any proceedings shall be given reasonable notice of the hearing by the Committee.
(b) A notice of hearing shall include:
(i) a statement of the time, place and purpose of the hearing;
(ii) a reference to the applicable sections of the Code; and
(iii) a statement that if the party notified does not attend the hearing, the Committee may proceed in his/her abscence.

3. Where notice of a hearing has been given to a party to any proceedings in accordance with this code and the party does not attend at the hearing, the Committee may, upon proof of service of the notice of hearing, proceed in his/her absence.

4. Where the good character, propriety of conduct or competence of a party is an issue in any proceedings, that party is entitled to be furnished, prior to the hearing, with sufficient information or any allegations with respect thereto to prepare a response.

5. A hearing shall be open to the public except where the Committee believes that intimate financial or personal matters or other matters may be disclosed which require that the hearing be held in camera.

6. A party to proceedings may at a hearing -
(a) be represented by counsel or an agent;
(b) call and examine witnesses and present his/her arguments and submissions.

7. (a) A witness at a hearing may be advised by his/her counsel or agent as to his/her rights but such counsel or agent may take no other part in the hearing without leave of the Committee;
(b) Where a hearing is in camera, a counsel or agent for a witness is entitled to be present only when that witness is giving evidence.

8. (a) The Committee may require any person, including a party, by summons,
(i) to give evidence on oath or affirmation at a hearing; and
(ii) to produce in evidence at a hearing documents and things specified by the committee, relevant to the subject matter of the proceedings and admissible at a hearing.
(b) A summons issued under subsection (a) shall be in Form B, and
(i) shall be signed by the Chairperson of the Committee: and
(ii) every reasonable effort shall be made to have it served personally on the person summoned.
(c) Upon proof to the satisfaction of the Board of Deans of proper service of a summons under this section upon a person and that,
(i) such person has failed to attend or remain in attendance at a hearing in accordance with the requirements of the summons; and
(ii) his/her presence is material;
the Board may, by their warrant in Form B, cause such witness to be brought before the Committee.
(d) Where an application under subsection (c) is made on behalf of the Committee, the Chairperson thereof may certify to the members of the Board the fact relied on to establish that the presence of the person summoned is material and such certificate may be accepted by the Board as proof of such facts.

9. Where any person without reasonable excuse,
(a) on being duly summoned under section 8 as a witness at a hearing makes default in attending at the hearing; or
(b) being in attendance as a witness at a hearing, refuses to produce any document or thing in his/her power or control properly required by the Com-