

## **FREQUENTLY ASKED QUESTIONS (FAQ'S) FOR STUDENT CODE OF RIGHTS AND RESPONSIBILITIES**

### **1. What is the difference between a sanctioned event and an unsanctioned event?**

A sanctioned event is an event that is directly related to an activity that involves a student who is participating in an event which would be sponsored or approved by the University, and in direct connection with the student's faculty, area of study, internship, coop placement, or employment.

An unsanctioned event is an event that is not related to an activity that is sponsored or approved by the University, e.g., If you are a student with a group of students attending a theatrical performance with the class's professor in relation to their course of study, but then after the performance, the professor asks the group of students to go to a restaurant to have dinner. The initial event of going to the theatrical performance would be considered a sanctioned event, but going to the restaurant would not. Upon conclusion of the sanctioned event, despite the professor providing an invitation to the students to have a meal, this would not be considered a sanctioned event.

### **2. Do faculty and staff also have a Code of Conduct?**

Yes. Employees of Memorial must abide by their respective collective agreement and/or the Respectful Workplace Policy, and the Respectful Learning Environment Policy.

[https://www.mun.ca/hr/myhr/healthy-workplace/respectful-workplace/Respectful Learning Environment Policy](https://www.mun.ca/hr/myhr/healthy-workplace/respectful-workplace/Respectful-Learning-Environment-Policy)

### **3. Why can a professor post their opinions or views on-line, but students are often cautioned to be mindful of what they post on-line as it may be interpreted as representing the faculty of where they are studying?**

Faculty members at Memorial would abide by their respective bargaining unit agreement, but may also be protected to a certain extent by academic freedom, depending on the content.

### **4. Why is there a Confidentiality and Privacy section in the Student Code of Rights and Responsibilities?**

This section applies to all individuals who are involved in the Complaint process, including students, staff, or faculty, and the facilitators of the process. Previously in the former Student Code of Conduct Policy, there was no section that outlined the regulations regarding confidentiality and privacy. To ensure that the policy is continually improving, feedback was received by students over the last few

years, who wanted a stipulation in the policy to protect their privacy. This section is meant to protect all parties, including the complainant, respondents, and witnesses of any particular Complaint, and to ensure the integrity of the process. All persons involved in any process related to this Code are required to maintain confidentiality. Confidential matters are handled in accordance with the [Access to Information and Protection of Privacy Act](#), 2015. cA-1.2., other privacy legislation to which the University is subject, and the [University Privacy Policy](#).

**5. Why are all parties required to maintain confidentiality?**

Reasonable discretion and confidentiality is expected of all persons involved in the Student Code of Rights and Responsibilities.

This section does not restrict individuals involved in the Student Code of Rights and Responsibilities process to discuss this Concern if they are seeking guidance or advice. This statement has been included to protect all parties, while allowing students to avail of any needed services throughout the Student Code of Rights and Responsibilities process. While it may be of interest for some under the process to share publically details of the interactions, not all parties engaged in the same process may want their information shared publically. This section should not be construed as to restrict or prevent individuals engaged in the process to seek guidance and advice (including personal supports), nor is to isolate individuals from not being able to discuss these matters with their supports.

Confidentiality is required to ensure that all individuals involved in the process are protected. The University is subject to privacy legislation including the [University Privacy Policy](#), which obligates the University to uphold privacy rights and employ privacy considerations whenever personal information may be involved, including when policies and procedures are established.

**6. Can the University discipline a student for receiving a municipal fine or traffic violation?**

No. The University would not impose a sanction on a student who has received a municipal or traffic violation. However, if a student repeatedly continued to park in an unauthorized area or in a fire lane on Memorial University property after multiple warnings, a Complaint could be brought forward by the University. This type of behaviour would be considered to be a safety risk and would put other members of the Memorial community in danger.

**7. Can the University discipline a student for receiving a criminal sentence under the Criminal Code of Canada, including Federal or Provincial rules and legislation?**

No. The University will not discipline a student for receiving a criminal sentence.

A student who has, or is going through a legal proceeding, can also have the matter come forward under the Student Code of Rights and Responsibilities, if a Concern or Complaint is brought forward by a member of the University Community. Typically, when a matter is before the courts, the University pauses such matters until a resolution to the criminal matter has been reached. Depending on the circumstances and/or risk, the University can move forward if necessary under the Student Code of Rights and Responsibilities, and has the duty to protect all members of the Memorial University Community.

**8. When is a peaceful or silent protest considered to be a disruption and a violation of the Student Code of Rights and Responsibilities?**

Students and members of the University Community enjoy the freedom to pursue both intellectual and personal interests without interference. The University recognizes academic freedom and the right to free speech, creative expression and peaceful protest, acknowledging that the common good of society depends upon the search for knowledge and its free expression. A disruption would be considered an act or action that intimidates others and interferes with the peaceful enjoyment of others who are enjoying the same event or activity; noise, or any other activity that obstructs the conduct of a meeting or class, or forcibly blocks access to an activity.

**9. Is it illegal to have a weapon on campus?**

Yes. Individuals are not permitted to bring weapons to University property or activities. This includes firearms (including air guns and imitation firearms), explosives, other weapons or dangerous chemicals. Please see the Weapons Policy: <https://www.mun.ca/policy/browse-or-search/browse-policies/university-policy/?policy=340>

Individuals who may wish to bring any type of weapon for educational purposes that relates directly to their area of study to the campus, must complete the following <https://www.mun.ca/cep/services/weapons-procedure/>, and submit it to the Office of the Chief Risk Officer to obtain permission to do so at least a week in advance. Approval would have to be given by the Chief Risk Officer prior to transport on/off campus or they have to store weapons or prop weapons prior to bringing them or removing them from campus.

**10. What happens if a student ignores a sanction and continues to demonstrate the same behaviour, or accesses university property while under a restriction?**

Depending on the situation, and failing all efforts for a restorative justice resolution, the University can escalate the severity of a sanction for a student, which can include suspension or expulsion.

**11. Is a sanction noted on an academic transcript?**

No. A sanction is not included on a University transcript with the exception of suspension or expulsion.

**12. If a student has to move out of residence as a result of a sanction, does the University pay for alternate accommodations?**

No. If a student has to move out of residence due to a sanction, the onus would be on the student to pay for an alternate accommodation.

**13. If a student has to return from an international exchange or placement due to a sanction or being expelled or suspended from a program, does the University pay for the cost of travel home?**

No. If a student has been expelled, suspended, or sanctioned, the cost of the travel home is the responsibility of the student.

**14. Will information or matters pertaining to a Complaint be shared with a student's academic department?**

No. Typically matters regarding a student Complaint are not shared, and only shared with persons with a bona fide need to know the details of a situation. They will have access to such information, however, access is limited to the scope of the individual's responsibilities. In some instances, a respondent may be a member of a students' academic department, and would also be required to maintain confidentiality with respect to the process. In some circumstances, certain violations may require consultation with appropriate parties.

**15. Can a student be involved in an academic concern or appeal matter and still be involved in a process under the Student Code of Rights and Responsibilities?**

Yes. Students can still be engaged in an academic matter and also a matter under the Student Code of Rights and Responsibilities, given this policy is not a mechanism to address academic Concerns or appeals. These processes can occur simultaneously. Information regarding a Concern or Complaint is not shared with a Committee tasked to hearing an academic appeal. Nor, is

information regarding an academic matter shared with persons that are responsible for facilitating the process under the Student Code of Rights and Responsibilities. These processes are separate and independent of each other. e.g., Students involved in academic misconduct, appeal, or concern, would have to avail of the Senate Committee on Undergraduate Studies for undergraduate students and School of Graduate Studies for graduate students.

**16. How are individuals selected to participate in a panel to hear appeals if the Concern is elevated to a Hearing?**

Individuals selected to serve on a panel for a Hearing are selected from a pool of individuals appointed for this purpose. Representation includes individuals from Marine Institute, Grenfell Campus and the St. John's campus, and are comprised of faculty, staff, and representatives from the respective Student Union. In the event that a Hearing panel is called to participate in a Hearing, the University will make every attempt to have representation to serve on a Panel from another campus to ensure that privacy for the process is protected.

**17. Does every campus have a Complaint Coordinator and who do I contact if I have a Concern?**

Yes. Every campus has a person who is appointed by the University to act in the role as outlined in the Student Code of Rights and Responsibilities. The University may decide to appoint a different Complaints Coordinator (s) for the St. John's Campus, Signal Hill Campus, Harlow Campus, Grenfell Campus, Labrador Campus and/or the Marine Institute.

If you have a query, Complaint or Concern, please contact the following for your respective campus:

- St. John's Campus, Harlow Campus, Signal Hill Campus, and Labrador Campus – Director, Student Life or delegate;
- Marine Institute – Marine Institute, Manager, Student Support;
- Grenfell Campus – The Registrar and Director of Student Services.

**18. Can a student bring a support person and a legal representative to any meetings/interviews as outlined in the Student Code of Rights and Responsibilities policy?**

Yes. Students can bring a support person and/or a legal representative. Students are required to complete the Student Code of Rights and Responsibilities Consent Form, if they wish for another party to attend a consultation, interview, or meeting with them. This form must be submitted to the Complaints Coordinator at least three (3) days in advance of the consultation, interview or meeting at their respective campus. Please see Appendix A of the

Student Code of Rights and Responsibilities Procedures document for a copy of this form.

**19. Does the Student Code of Rights and Responsibilities infringe on my freedom of speech?**

No. The Student Code of Rights and Responsibilities recognizes, encourages and promotes free speech. The purpose of the policy is to protect all individuals engaged in the Student Code of Rights and Responsibilities process, to ensure that all community members can work, study, perform research, etc., in an environment that is respectful to all, diverse and inclusive. Freedom of speech should not infringe on another by sharing information without consent if engaged in an active process under the Student Code of Rights and Responsibilities. It should also not be contradictory or harmful to other individual(s), or groups, and therefore not permitted.

**20. Does this policy include Alumni?**

An individual is included as outlined in Section 3 Definitions, of the Student Code of Rights and Responsibilities Policy as a Member of the University Community or Student.

**21. Does the process outlined in the Student Code of Rights and Responsibilities hinder academic freedom?**

No. Academic freedom permits scholars to teach, learn, conduct research, publish, comment and criticise freely. Further, academic freedom allows individuals to speak on social, political, economic, and other interests to the larger community, to select course materials, make assignments, assess students' academic performance and the right to discuss and criticize policies and actions of the University.

Academic freedom, does not, for example, allow space for harassment, bullying or intimidation. The Student Code of Rights and Responsibilities policy does not hinder the principles of academic freedom.

**22. Why can the University act as a Complainant?**

If individual(s) involved have not lodged a Complaint under the Student Code of Rights and Responsibility policy, and the behaviours identified pose a safety risk to any member of the University Community, a representative of the University can act as a Complainant. The University reserves the right to bring forward a Complaint to proceed under the Student Code of Rights and Responsibilities.

If the University is the complainant, a Complaint may be presented by the Chief Risk Officer, Student Conduct Officer(s), Head of Campus, or Vice-President(s).

### **23. Why is this policy being updated now?**

The purpose of updating the Student Code of Rights and Responsibilities is to ensure that processes under the policy are equitable to all parties. The University is committed to fostering a climate of respect where individuals and groups are free from harassment and discrimination. The Student Code of Rights and Responsibilities is a comprehensive policy that articulates a learning environment that emphasizes respect, and frames an updated process for addressing Concerns or Complaints.

The revised policy was developed to align with best practices that includes those related to EDI-AR, privacy and information management. Further, it is orientated in the context of the University's Transforming our Horizons Strategic Plan, the Respectful Learning Environment Policy; Respectful Workplace Policy; the Sexual Harassment and Sexual Assault Policy; along with relevant legislation and collective agreements.

### **24. Was consideration given to Equity, Diversity, Inclusion and Anti-Racism and Indigenization in the development of this policy?**

Yes. Meetings were held with the Vice-Provost EDI-AR as well as the Vice-President (Indigenous) for their input. Consultation was extensive and beyond the requirements of the policy framework. Feedback from a diverse group of stakeholders and general University Community was incorporated prior to circulating to the University Community.

### **25. Who was engaged in the consultation process for this policy?**

The consultation process involved an intensive eleven (11) week, open-consultation period. A Newsline message was sent out to the University Community, and memos were sent to all student and employee union groups. Prior to engaging the university committee in public consultations a series of targeted consultations were conducted inviting input from representatives of the following units:

- Office of the Vice-Provost, Equity, Diversity, Inclusion and Anti-Racism;
- Indigenous Affairs office;
- Office of Faculty Relations;
- Department of Human Resources;
- Office of the Chief Risk officer;
- Information Access and Privacy Office;
- General Counsel;
- Grenfell Campus;
- Harlow Campus;
- Labrador Campus; and
- Signal Hill Campus.