



UNIVERSITY OF KING'S COLLEGE

CODE OF CONDUCT

(Approved by the Board of Governors, May 1999)

GENERAL COLLEGE REGULATIONS

(Approved by the Board of Governors, May 1999, with amendments, November 1999)

By-Laws, Rules & Regulations, Part VIII - DISCIPLINE

(Approved by the Board of Governors, May 1999, amended November 1999)

EQUITY POLICY

(Approved by the Board of Governors, June 1997)

RACIAL EQUITY POLICY

(Approved by the Board of Governors, June 1997)

EQUITY POLICY CONCERNING INDIVIDUALS WITH DISABILITIES

(Approved by the Board of Governors, February, 2004)

POLICY & PROCEDURES ON SEXUAL HARASSMENT

(Approved by the Board of Governors, May, 2000)

The University of King's College Code of Conduct

Commentary

1. The University of King's College is a community of faculty, support staff and students involved in teaching, research, learning and other activities. Students are members of the University for the period of their registration, and, as such, assume the responsibilities that such registration entails. Similar responsibilities pertain to all employees of the University.
2. The University does not stand *in loco parentis* to its student members; that is, it has no general responsibility for the moral and social behaviour of its students, as if they were its wards. In the exercise of its disciplinary authority and responsibility, the University treats students and employees as free to organize their own personal lives, behaviour and associations, subject only to the law and to University regulations that are necessary to protect the integrity of University activities, the peaceful and safe enjoyment of University facilities by other members of the University and public, the freedom of members of the University to participate reasonably in the programmes of the University and in activities in or on the University's premises, or the property of the University or its members. Strict regulation of such activities by the University of King's College is otherwise neither necessary nor appropriate.
3. University members are not, as such, immune from the criminal, civil, and municipal laws. Provisions for non-academic discipline should not attempt to shelter students or employees from their civic responsibilities nor add unnecessarily to these responsibilities. Conduct that constitutes a breach of the Criminal Code or other statute, or that gives rise to a civil claim or action, should ordinarily be dealt with by the appropriate criminal or civil court. In cases, however, in which criminal or civil proceedings have not been taken or would not adequately protect the University's interest and responsibilities as defined below, proceedings may be brought under Part VIII of the By-Laws, Rules and Regulations of the Board of Governors of the University of King's College (attached).
4. The University defines standards of behaviour and makes provisions for discipline with respect to conduct that jeopardizes the good order and proper functioning of the academic and non-academic programmes and activities of the University or its schools, or programmes, or that endangers the health, safety, rights or property of the University or its members or visitors.
5. Matters concerning Academic Discipline are dealt with in the manner described in the University Calendar under "University Regulations."
6. The University of King's College is a place of academic work. As such, none of the definitions in this Code shall be construed in such a way as to limit or hinder normal and accepted academic practices, e.g., it is not a threat or harassment for faculty to say that if papers are not in on time this will result in a lower grade.

A. Definitions

1. In this Code, the word "premises" includes lands, buildings and grounds of the University, or other places or facilities used for the provision of the University's programmes or services or for University-approved events and activities.
2. In this Code, "student" means a person:
 - (i) engaged in any academic work or placement which leads to the recording and/or issue of a mark, grade or statement of performance by the appropriate authority in the University or another institution; and/or
 - (ii) registered in, enrolled in, or attending any course or class, or otherwise participating as a learner in any activity which entitles the person to the use of a University library, library materials, library resources, computer facility, or dataset.
3. In this Code, "employee" means a person employed by the University on a full or part-time basis.
4. In this Code, "threaten" means any statement or conduct which may cause a reasonable person to believe that (a) her or his personal safety is endangered; or (b) property is at risk of damage.
5. In this Code, "harassment" means conduct or comments which are intimidating, threatening, demeaning, or abusive and may be accompanied by direct or implied threats to grade(s), status, or job.
6. In this Code, "discrimination" means conduct that results in unfair treatment of an individual or group on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed/religion, sex, sexual orientation, disability, age, marital status, political affiliation, criminal record or receipt of public assistance.
7. Unless otherwise stated, a student or employee will only be liable for conduct that she or he knew or ought reasonably to have known would constitute conduct prohibited under this Code.
8. Nothing in this Code shall be construed to prohibit peaceful assemblies and demonstrations, or lawful picketing, or to inhibit freedom of speech.

B. Offences

The following conduct shall be deemed to be an offence under this Code, when committed by a student or employee of the University of King's College, provided that such conduct:

- (i) occurs on the premises of the University of King's College or elsewhere in the course of activities sponsored by the University of King's College or by any of its schools or programmes; and

- (ii) is not specifically assigned by the Board of Governors to another disciplinary body within the University, as, for example, in the Sexual Harassment Committee, the Racial Equity Committee, and the Wardroom Board of Management.
- (iii) is not subject to the disciplinary authority of King's Student Union; or
- (iv) is not subject to action under the General College Regulations.

1. Offences Against Persons

- (a) No student or employee shall assault another person sexually or threaten any other person with sexual assault.
- (b) No student or employee shall otherwise assault another person, threaten any other person with bodily harm, or cause any other person to fear bodily harm.
- (c) No student or employee shall create a condition that unreasonably endangers the health or safety of other persons.
- (d) No student or employee shall threaten any other person with damage to such person's property, or cause any other person to fear damage to his or her property.
- (e) No student or employee shall harass another person.
- (f) No student or employee shall discriminate against another person.

2. Disruption

No student or employee shall prevent another person or persons from carrying on their legitimate activities in the College.

3. Offences Involving Property

- (a) No student or employee shall take without authorization, misuse, destroy or damage the property or premises of the University of King's College, or property that is not her or his own, or information or intellectual property belonging to the University of King's College or to any of its members.
- (b) No student or employee shall deface the property of the University of King's College.
- (c) No student or employee shall possess the property of the University of King's College, property in the custody of the University of King's College,

or property that is not her or his own, if he or she knows that property to have been appropriated without authorization.

- (d) No student or employee shall create a condition that unnecessarily endangers or threatens destruction of the property of the University of King's College or any of its members.

4. Unauthorized Use of University Facilities, Equipment or Services

- (a) No student or employee shall use any facility, equipment or service of the University, or enter or remain on any premises, to which he or she does not have legitimate access, or contrary to the expressed instruction of a person or persons authorized to give such instruction.
- (b) No student or employee shall gain access to or use any University computing or internal or external communications facility to which legitimate authorization has not been granted. No student or employee shall use any such facility for any commercial, disruptive or unauthorized purpose.
- (c) No student or employee shall willfully mutilate, misplace, misfile or render inoperable any stored information such as books, film, video, data files, or programs from a library, computer or other information storage, processing or retrieval system.

5. Aiding in the Commission of an Offence

No student or employee shall encourage or aid another person in the commission of an offence defined in this Code.

6. Alcohol and Drug Use

No student or employee shall contravene the Liquor Laws of Nova Scotia. No student or employee shall possess, use or sell a drug/substance to which access is restricted by the Controlled Drug and Substance Act.

7. False Information and Identification

- (a) No student or employee shall knowingly furnish false information to any person or office acting on behalf of the University.
- (b) No student or employee shall forge, alter or misuse any document, record or instrument of identification.

8. Unauthorized Possession of a Firearm or Weapon

No student or employee shall possess a firearm or other weapon or hazardous materials on the University premises without the specific written permission of the President.

9. Other

No student or employee shall contravene any provision of the Criminal Code or any other federal, provincial or municipal statute on the premises of the University or in the course of the University's programmes or services or of University-approved events or activities.

No one shall violate the rules of confidentiality of any University committee or other body.

The Board of Governors will review this Code of Conduct after five years.

99-05-27

General College Regulations

(Updated 1999)

(Replacing all previously issued regulations)

PREAMBLE

It is incumbent upon all students of King's College to uphold certain standards of civility appropriate to a residential, academic community. Accordingly, there is need for a set of *General College Regulations* to safeguard these standards, and thus to strengthen and preserve the life of the College as a community. It should be recognized that such regulations have been formulated and are enforced by the properly constituted bodies in College, such as the Board of Appeal and Discipline, the Students' Union Society, the Deans, the Dons, the Residence Councils, and the Campus Police.

Please make yourself well acquainted with the procedures to be followed in the event of fire. Setting off a false alarm is an offence under the Criminal Code of Canada and hence subject to police enquiry and possible prosecution.

The University does not provide protection for students who commit any offenses which are contrary to Federal or Provincial laws and the University may itself take disciplinary action against students who break either Federal or Provincial laws.

General College Regulations apply to all Resident students, all King's students when on Campus, and all guests of the same.

REGULATIONS

Respectful behaviour is expected of students and their guests towards each other, towards other students, and towards agents of the College or any person employed by the College, or visiting the campus.

A. Quadrangle

1. General quiet is to be maintained in the Quadrangle at all times.
2. No liquid or solid objects are to be thrown or otherwise projected from any Bay or Wing.
3. No liquid or solid objects are to be thrown or otherwise projected within or into any of the College buildings.
4. Climbing on the roof of a College building, climbing on, or descending from any wall or window of a College building is strictly prohibited.
5. Vehicles are only to be driven or parked within those areas specifically designed for such purposes. Application for a parking permit may be made through the Bursar's Office. Parking permits are rarely available for residence students.
6. General care and awareness of College property is expected.
7. The keeping of animals and pets on College property is prohibited.

8. The use or possession of illegal drugs on College property will result in fines and/or expulsion from residence.

B. Common Areas (Hall ways, Common Rooms, Prince Hall, Classrooms, etc.)

1. Cleanliness is to be maintained by those making use of these areas.
2. In accordance with Halifax bylaws, smoking is not permitted in any common area.
3. The consumption of alcohol is not permitted in any common areas.
4. Furnishings which are designed for particular areas are to remain in those areas. If any items are removed for College purposes, with permission, they are to be returned immediately after use.

C. Prince Hall

(a) General

1. There is to be no excessive noise.
2. There is to be no behaviour by individuals or groups of individuals such that it hinders or makes unpleasant the eating of meals by others.
3. All those entering Prince Hall are expected to present themselves in reasonable and appropriate dress and footwear
4. Taking food or dishes from Prince Hall is strictly prohibited.

(b) Formal Meal

1. Students are encouraged to dress appropriately for Formal Dinner. Appropriate dress might be for men, a suit, sports jacket, tie or turtleneck; for women, a dress, skirt or dress pants.
2. All students of the College must wear academic gowns.
3. Visitors are not required to wear academic gowns.
4. Those attending Formal Dinner shall remain standing until the Grace has been said. They must remain seated until called to rise for the "Thanks" at the end of the meal.
5. If, at Formal Dinner, because of an emergency, someone must leave before the "Thanks" or must leave his or her place at table, permission must be secured from the President, or, in the case of the President's absence, the presiding Dean or Don.

(c) Sick Trays

1. Meal slips for sick students must be obtained from the Dons or, in their absence, from the Chairman of the Bays' Residence Council or the Alexandra Hall President. Sick trays must be returned to Prince Hall promptly.

(d) Meal Cards

1. A meal number is issued to each resident and affixed to his or her student identification card. This number is not transferable to any other resident or guest.

D. Residences

(a) General:

1. A level of quiet must be maintained in residence rooms which allow those in adjoining rooms to study.
2. Smoking is permitted only in private rooms, not in common areas, and doors must be kept closed.
3. Residents shall keep their doors and windows shut when playing instruments or stereos.
4. The use or possession of illegal drugs is not permitted in private rooms. Expulsion will result if illegal drug use is detected in residence or anywhere on campus.
5. Nothing is to be thrown within the residences.
6. Rooms must be kept at a reasonable level of cleanliness and housekeeping staff may not be kept from cleaning rooms.
7. It is the responsibility of all residents to keep the hallways and washrooms in a clean condition.
8. It is the duty of each resident student to investigate damage being done to the public areas of the College residences. Unless the damage can be charged to the individual(s) concerned, the cost of damages to doors, windows, washrooms, etc., in the public areas of the residences will be charged equally to all the members of a floor, wing or bay, as appropriate.
9. No beverage bottles or other garbage and debris is to be left lying about in the hallways, on stairs, or on window sills.
10. Fire escapes and landings are not to be used at any time except in case of a fire or fire drill. Fire alarms, fire extinguishers and sprinklers ~~should~~ **must** not be tampered with. These are Fire Department regulations (a fine will be levied by the College and possibly by the Fire Department for such an offence).
11. In Alexandra Hall, the fire doors on 1st and 2nd floor may not be used by residents and their guests. Use of the fire exits at the bottom of the side stairwells will set off the burglar alarm. Fines will be levied for setting off the burglar alarm. Only the central stairwell and exit is to be used except to go between 3rd and 4th floor or in an emergency situation.
12. All intruders, or suspicious looking persons, should be reported to the Deans, Dons and/or Campus Police immediately.
13. Guests are permitted to stay in a residence room without charge for a maximum of 72 hours, with consent of the other occupant. The appropriate Don must be notified of all overnight guests.

14. A resident is responsible for his or her guest and consequently is responsible for any fines levied because of the guest's behaviour. Guests are subject to the same regulations which are in force for residents.

(b) Alexandra Hall

1. Alexandra Hall has a male sign-in policy. It is as follows:

Signing In:

- i) All male visitors to Alexandra Hall must sign in at the Front Desk at all times, twenty-four hours a day. Every visitor must be specifically signed into an individual's residence room and are the responsibility of the resident who signs them in. Male guests cannot sign into the common rooms, with the exception of the Manning Room.
- ii) Upon entering Alexandra Hall, visitors must wait at the Front Desk until signed in.
- iii) At all times, male visitors must be escorted to the washrooms and accompanied in the common rooms by the resident who signed them in. The only exception is the Manning Room.

Signing Out:

- iv) Male visitors must leave the Hall and properly sign out by 1:00 a.m. Sunday through Thursday. Male visitors must also sign out of the Manning Room by 1:00 a.m. Sunday through Thursday. On Friday and Saturday, male visitors must sign out of the Manning room by 3:00 a.m.
- v) A male visitor is not required to sign out if he has been registered as an "overnight guest" at the Front Desk of Alexandra Hall. In the case of a double room, written permission must be obtained from the roommate and the guest must be registered by 6:00 p.m. on the evening in question. A form is provided for overnight male guests and this must be left at the Front Desk, where a separate book will be kept to register the names. If the roommate has "signed out" of residence for the night the rules for single rooms apply for that night only. Women in single rooms need not register their guest in advance. Male visitors who are not registered as overnight guests must sign out by 3:00 a.m.
- vi) The signing out of male guests is the responsibility of the resident of Alex Hall who signed them in.
- vii) At least one floor or wing in Alex Hall will be reserved every year for female residents who would prefer not to have overnight male guests. If requested, a room on this designated floor will be guaranteed. On this wing or floor, male visitors must sign out by 1:00 a.m. Sunday through Thursday and by 3:00 a.m. Friday and Saturday.

2. The Manning Room is the common living room of the women's residence. No food or drink is to be consumed in this room (special receptions excepted).
3. The Receptionist or Campus Police representative has the authority of the Deans or Dons in enforcing the proper decorum and degree of quiet in the Manning Room.
4. It is the responsibility of the residents of Alexandra Hall (under the Alexandra Hall President) to run the kitchen to the benefit of all. The kitchen must be kept clean at all times.
5. The kitchen is a common area. No smoking or open alcohol is permitted in any common area.

E. Hostel

1. Hostel Policy

- i) The Hostel in the basement of Alexandra Hall provides beds for 2 men or 2 women.
- ii) The Hostel may also be booked for a married couple.
- iii) Both beds may not be booked for one person.
- iv) Non-resident members of College and guests of resident members may have use of the Hostels at the rate of eleven dollars (\$11.00) per bed per night, plus five dollars (\$5.00) refundable key deposit.
- v) The Hostel must be reserved through the Front Desk of Alexandra Hall between the hours of 8:00 a.m. and 1:00 p.m., 2:00 p.m. and 4:00 p.m., Monday to Friday. Payment for rooms and the collection and return of keys must also be made during these hours.
- vi) The Hostel must be reserved and keys must be picked up no later than noon on the day of occupation, and no later than noon on Friday for weekend use.
- vii) Hostel check-out time is 11:00 a.m. No one may move into the Hostel before 1:00 p.m. The Hostel will be cleaned between the hours of 11:00 a.m. and 1:00 p.m.
- viii) The Hostel may be booked for a maximum of three nights except with the permission from the Dean.

F. Quiet Hours

All students of the College are expected to maintain the peace and quiet conducive to study throughout the Residences at all times. Special Quiet Hours will be posted at exam time.

STRUCTURE OF RESPONSIBILITY FOR THE REGULATION OF CONDUCT

Executive of the Board of Governors

The Board of Appeal and Discipline

The Deans

The Dons

The Hall Residence Council, lead by
the Alexandra Hall President

The Bays' Residence Council, lead by
the Chair of the Bay's Residence
Council

Residence Councillors

The general duties of the various components are as follows:

1. Residence Councillors: Responsible for
 - i) establishment in conjunction with the members of their respective Bays and Wings including the respective Don, and subject to the *General College Regulations*, the specific rules of their several Bays and Wings.
 - ii) enforcing the rules established.
2. Residence Councils: Responsible for upholding *General College Regulations* and establishing priorities in relation to conduct in conjunction with dons and in conjunction with Councillors. The Bays' Residence Council is composed of Residence Councillors from each of the Bays with an elected Chairperson; the Women's Residence Council is similarly constituted for Alexandra Hall under the Hall president.
3. Dons: Responsible, together with the Residence Councillors, for the establishment of rules for an individual Bay/Floor and in accordance with the *General College Regulations* and for assisting in their enforcement. Dons and Residence Councillors must make it their business to work together harmoniously.
4. Dean of Residence: Responsible to the president for matters relating to the conduct of all students living in residence or present on campus. The Dean of Residence is assisted in this duty by the Dean of Men/Women.
5. The Board of Appeal and Discipline: The Board is responsible to the Board of Governors for the establishment of modes of conduct in the College. The Board of Appeal and Discipline is the effective final arbiter of the *General College Regulations*.

Decisions made by Dons, Campus Police or Residence Councillors may be appealed to the Deans. Decisions of the Deans may be appealed to the Board of Appeal and Discipline.

The composition of the Board of Appeal and Discipline is:

- a. 1 senior member of the administration
- b. 1 member of Faculty
- c. the Dean of Residence
- d. 1 member of staff
- e. 1 student
- f. 1 member of the Board of Governors
- g. 1 member of the Alumni Association

Complaints dealing with non-academic matters which do not fall under the *General College Regulations* may be made directly to the Board of Appeal and Discipline. On receipt of an appeal or complaint, the Board will meet and select from its members a three-member Panel to deal with the appeal or complaint and report back to the Board of Appeal and Discipline.

6. The Executive of the Board of Governors: The final body of appeal called only to appeal decisions made initially by the Board of Appeal and Discipline.

The structure of responsibility described above is intended to emphasize and strengthen the locus of determination in the student component, but with the support and encouragement of more senior members of the College. The most desirable situation would clearly be one in which all sections of the College made it their business to be co-operative, fair and equitable in the carrying out of their responsibilities thus avoiding the necessity of appeals.

FINING AND APPEAL PROCEDURES

a) General

1. Deans, Dons, Residence Councillors and Campus Police have fining powers in every area of the College property and may impose fines for any breach of *General College Regulations*. Any member of College (King's students not living in residence, King's student or non-King's student living in residence) may be fined for any breach of *General College Regulations* which takes place on College Property.
2. Dons, Residence Councillors and Campus Policy may fine up to an amount of \$20.00 on their own authority. Any fine over \$20.00 must be countersigned by a Dean.
3. For a serious or doubtful case of import the Deans may consult with any or all of the Dons for assistance in establishing a reasonable fine.

4. When a resident student is fined, each of the Deans, the Bursar, the student's Don, the Chair of Bays or Alex Hall president and the C.P. Chief will receive a copy of the fine notice which has been sent to the student. When a day student is fined, copies of the fine notice will be sent to the Deans, the Bursar and the C.P. Chief. A fine notice will inform the student of the offence committed, the amount of the fine, the date of its imposition, the date of issue, and the date on which the payment is due.
5. Fines are payable at the Bursar's Office. Any fine not paid within one week of the date of issue will double.
6. Repeat offences are fined at a higher rate.
7. Fines levied according to these procedures may be appealed to the Board of Appeal and Discipline. Any student wishing to appeal a fine must first speak to the Deans. If the Deans see no reason to change the fine after discussion, the student may make a written appeal to the Board of Appeal and Discipline.
8. Any damage to College property will be charged separately from, and should not be confused with, a fine.
9. Fines will be levied for verbal abuse or threat of physical harm made against any person living at, working at, or visiting the College and in particular, to a Campus Policeperson. Anyone who physically assaults any person and in particular a Don or a Dean or Campus Policeperson, will be removed or expelled from campus. In such a case, charges may also be laid.

b. Expulsion from Residence

1. The Presidential authority to expel from College residence is delegated to the Dean of Residence.
2. Students wishing to appeal their expulsion from College residence must apply to the President (or Vice-President) of the University. Normally the Board of Appeal and Discipline will only agree to hear an appeal from expulsion if one of the following three things can be shown to apply:
 - i) The Dean was not in possession of all the facts when the decision to expel was taken.
 - ii) There were mitigating circumstances which the Dean did not take into account.
 - iii) There is some ambiguity about the identity of the offender(s).

3. Students who have been suspended or expelled from College residences are only permitted on campus for academic or religious purposes (i.e., to attend classes, to visit the library or to attend the Collegiate Chapel). They may not attend any social function, eat in the dining room, or enter the Wardroom/Lounge, the residences, etc.

BY-LAWS, RULES AND REGULATIONS

PART VIII

DISCIPLINE

- Board of Appeal and Discipline
57. (1) The discipline of the College, in other than academic matters and matters specifically assigned by the Board of Governors to another body within the University as in the case of the Sexual Harassment, Equity, and Wardroom policies, shall be exercised by the Board of Appeal and Discipline as described below.
- (2) The members of the Board of Appeal and Discipline shall be appointed at the beginning of each academic year.
- (3) The Board of Appeal and Discipline shall consist of:
- (a) 1 senior member of the administration (President, Vice-President, Registrar, Bursar) named by the President,
 - (b) 1 member of Faculty, appointed by the Faculty,
 - (c) the Dean of Residence,
 - (d) 1 member of staff, chosen by the staff,
 - (e) 1 student, appointed by the Students' Union,
 - (f) 1 member of the Board of Governors who falls into none of the other categories, and
 - (g) 1 member of the Alumni Association of at least 5 years standing, selected by the Association Executive.
- (4) The Board of Appeal and Discipline shall choose its Chair from among its members.
- (5) Quorum for meetings of the Board of Appeal and Discipline is five.
- (6) Upon receipt of
- (a) a written appeal of an administrative decision made pursuant to the General College Regulations, or
 - (b) a written complaint alleging a violation of the Code of Conduct from a member of the faculty, a student, or member of the staff of the University, the Board of Appeal and Discipline shall as soon as possible refer the complaint to a trained neutral mediator appointed by the University who shall conduct an investigation to determine if the appeal or complaint has merit and/or if it can be disposed of informally by mutual consent of the parties involved on a basis acceptable to the Board of Appeal and Discipline. If an informal disposition of the appeal or complaint results, such disposition shall be final and there shall be no subsequent proceedings.

- (7) Where an appeal or complaint is determined to have merit and cannot be resolved informally, the Board of Appeal and Discipline shall convene as soon as possible and select, from among its members, a three-member Panel to deal with the appeal or complaint and report back to the Board of Appeal and Discipline as soon as possible.
- Procedure 58. (1) Complainants, appellants and respondents have the right to make written or oral submissions or both.
- (2) The proceedings of the Panel will be governed by the rules of natural justice including the right to counsel for persons appearing before it.
- (3) After hearing submissions, the Panel shall report back to the Board of Appeal and Discipline with a decision and a recommendation for action concerning the appeal or complaint.
- Rights Of Appeal 59. (1) (a) Any student may make a written appeal to the Board and Discipline of a decision of the Dean of Men or Women.
- (b) In such cases, the appeal to the Board of Appeal and Discipline shall be the final appeal.
- (2) In cases brought to the Board of Appeal and Discipline pursuant to subsection (6)(b) of Part VIII, appeal shall be to the Executive of the Board of Governors, the decision of which shall be final.
60. After a hearing conducted on an appeal pursuant to subsection (6)(a) or, of a complaint pursuant to subsection (6)(b), of Part VIII, the Board of Appeal and Discipline shall make a report to the President which may include a recommendation for some action or penalty. Possible penalties include, but are not limited to:
- (i) formal reprimand,
- (ii) letter of apology,
- (iii) fines,
- (iv) banishment or expulsion from the University for a time or entirely, or
- (v) suspension or removal from office.
- (1) Hearings of the Board of Appeal and Discipline will be private. The Board of Appeal and Discipline will keep all materials pertaining to complaints in strict confidence. The names of complainants, appellants and respondents will not be made public.
- The exception to complete confidentiality is: a disclosure which would oblige the University, in its opinion, to take the necessary steps to ensure health, safety and security of any member of the University community.

Equity Policy

(as approved by the Board of Governors, June 12, 1997)

The University of King's College defines itself as an institution of higher learning in the Humanities, Social Sciences, Science and Journalism. Implied in that are an internal concern for the teaching and scholarship associated with its programmes, as well as an external concern for the place of the University in society, in the province, the nation and the world. In relation to both concerns, the College considers an equality of persons within the King's community to be essential. King's welcomes people of all backgrounds to offer them equitable access to the opportunities and advantages of a King's education and to enrich its own collegial and academic life.

This general policy currently finds expression in the King's Policy and Procedures on Sexual Harassment (administered by the Sexual Harassment Advisor), its employment equity practices, and the following Racial Equity Policy (administered by the Equity Liaison Officer).

Racial Equity Policy

- 1. General Statement**
- 2. Collegial Code of Conduct and Procedures**
- 3. Educational Policies**
- 4. Recruitment Policies and Student Services**
- 5. Employment Equity Practices**
- 6. Community Relations**
- 7. Board Racial Equity Committee**

1. General Statement

King's will ensure that there are no barriers to equality in the form of burdens, obligations or disadvantages arising from: race, colour, and ethnic, national or Aboriginal origin. The College will ensure this through a collegial code of conduct and procedures (Section 2).

The College realizes that removing barriers is only one part of establishing a positive collegial equality of persons. King's will actively pursue racial equity through a number of policies and endeavours (Sections 3-7).

2. Collegial Code of Conduct and Procedures

2.1 Racial Discrimination and Harassment

For the purpose of this document, "A person discriminates where the person makes a distinction, whether intentional or not, based on a characteristic, or perceived characteristic that has the effect of imposing burdens, obligations or disadvantages on an individual or a class of individuals not imposed upon others or which withholds or limits access to opportunities, benefits and advantages available to other individuals or classes of individuals in society."ⁱ

Harassment involving Aboriginal, Black, and Visible Ethnocultural or other identifiable ethnocultural groups is defined as: "a verbal or physical expression of Aboriginal, Racial or Ethnic bias which exhibits a negative attitude, or hatred towards a person or group, based on their colour, ethnocultural, Aboriginal origin or heritage. Such expressions include, but are not limited to slurs, jokes, graffiti or other materials, stereotyping, threats, abuse, intimidation, inciting others to use racial slurs, displaying negative behaviour of a racial nature or engaging in negative racial

name calling. Such actions may be direct or indirect and can result in a demeaning, insulting or harassing atmosphere."ⁱⁱ

In order to apply the Collegial Code of Conduct and Procedures, the Board of Governors will create the position of Equity Liaison Officer and will establish a Committee on Racial Discrimination and Harassment.

This code of conduct and these procedures have a two-fold purpose: 1) to ensure that any person who believes racial discrimination and harassment to have taken place will receive a full and fair hearing, and, if the complaint is substantiated, appropriate redress; 2) to ensure that the rights of a person accused will be protected so that there will be no presumption of guilt unless such a charge is substantiated. The role of the Equity Liaison Officer in all circumstances is to act as an impartial mediator.

2.2 *Equity Liaison Officer*

The Board of Governors of the University of King's College will appoint an Equity Liaison Officer who will administer the College's Racial Equity Policy.

The President will nominate the Equity Liaison Officer to the Board of Governors. This person would be chosen from among the following members of the Administration: the Vice-President, the Registrar, the Bursar, a member of Faculty, the Librarian, the Assistant Librarians, the Public Relations Officer, the Dean of Residence and Dean of Women/Dean of Men. The President's choice will be arrived at after consultation with the various constituencies of the University, ie. the administration, faculty, staff and students. The term of the appointment will be for three years.

The Equity Liaison Officer is the university's ongoing contact with the Dalhousie Black Student Advisor, the Black Student Advising Centre, the Native Education Counselling Unit, and other appropriate equity resources.

2.3 *Responsibilities of the Equity Liaison Officer*

The Equity Liaison Officer will:

- a) inform herself/himself of current issues and literature pertaining to racial equity;
- b) receive, in writing, all complaints of racial discrimination and harassment. Such complaints will be held in confidence to the extent that the following procedures allow;

- c) advise the President of the University of King's College and the Committee on Racial Discrimination and Harassment (see below) that there is a formal complaint;
- d) advise the respondent in writing of the exact nature of the complaint;
- e) Once the respondent has been advised of the complaint, the Equity Liaison Officer will act according to the following procedures:
 - 1) Mediation state: the respondent will be asked to reply to the complaint of which he/she has been informed. If the allegation is admitted, the Equity Liaison Officer will attempt to achieve a reconciliation between the two parties by means of a mutually acceptable apology. If the allegation is denied, or if no response is received within three weeks, or if no reconciliation can be achieved between the two parties within a three week period, the Equity Liaison Officer will call a hearing of the Committee on Racial Discrimination and Harassment.
 - 2) Hearing state: The Equity Liaison Officer will advise each of the parties to the complaint of the time and location of the hearings of the Committee on Racial Discrimination and Harassment . The Committee will ensure that both the complainant and the respondent receive a fair and impartial hearing and that the interests of both are protected.
- f) distribute the findings and report of the Committee on Racial Discrimination and Harassment to the President and the parties;
- g) write an annual report outlining the number and nature of the complaints of racial discrimination and harassment and the decisions arrived at in settling them;
- h) actively inform people of the existence of this Racial Equity Policy;
- i) advise people of the importance of filing complaints expediently to help ensure fair and just conclusions to complaints;
- j) serve as liaison and a means of referral to the various equity resources within metro;
- k) liaise with the Board Racial Equity Committee and, with the committee, work for the positive implementation of the collegial Racial Equity Policy.

2.4 *Committee on Racial Discrimination and Harassment*

The Board of Governors of the University of King's College will establish a Committee on Racial Discrimination and Harassment to hear complaints of racial discrimination and harassment. The College will ensure that training in equity issues for members of the committee and the Equity Liaison Officer will be provided.

2.5 *Composition of Committee on Racial Discrimination and Harassment*

The Committee will consist of five members: a representative from Faculty, Staff, students, a Board appointee, and a co-opted member. The committee will ensure representation from visible minorities. The Faculty, Staff and student members are appointed by their respective constituency and the co-opted member is appointed by the committee in consultation with the Equity Liaison Officer. The chair will be elected by the committee. The Equity Liaison Officer will act as an advisor to the committee.

2.6 *Staggered Terms of Voting Committee Members*

To assure continuity of experience on the Committee on Racial Discrimination and Harassment, members' terms will be staggered. To accomplish this, initially the Board and Faculty member will be elected (or appointed) for three years, and the staff and co-opted members will serve for two years. After the initial appointments, the terms will be for three years. Student representatives will serve one-year terms, renewable.

2.7 *Penalties*

On finding that racial discrimination or harassment has occurred, the Committee on Racial Discrimination and Harassment will make a recommendation to the President, for the President's determination, which may include the following actions:

- a) anti-racist and anti-discriminatory counselling; and/or
- b) a required apology; and/or
- c) an oral or written reprimand; and/or
- d) inclusion of the Committee's finding in the Respondent's employment or student file; and/or
- e) suspension; and/or
- f) dismissal or expulsion.

2.8 *Appeals*

Appeals of the decisions of the Committee on Racial Discrimination and Harassment and of the President's determination thereon may be made by writing to the President. Complainants and respondents may appeal on the basis of fact and/or penalty. An appeal on the basis of fact must be made within two weeks of the report of the Committee on Racial Discrimination and Harassment. An appeal on the basis of penalty must be made within two weeks of the President's action on the Committee's recommendation. In the event of such an appeal on either or both grounds, a Racial Discrimination and Harassment Appeal Committee will be convened. This will consist of three members chosen from among the members of the Board of Governors of the College, one to be named by the complainant, one by the respondent and a chairperson to be agreed upon by both the complainant and the respondent. The Racial Discrimination and Harassment Appeal Committee, after considering all representations on the matter submitted to it, will report its conclusions and any recommendations to the President and to the parties concerned. The President will reconsider the matter in the light of the report of the Appeal Committee. The President will then report on the issue, including recommendations when appropriate to the Board of Governors and shall provide a copy of the recommendation, if any, with any decision of the Board, to the parties concerned.

2.9 *Right to Legal Counsel*

Complainants and respondents may be represented by legal counsel at hearings of the Committee on Racial Harassment and Discrimination.

2.10 *Limitation on Complaints*

A written complaint of racial discrimination and harassment normally must be made within six months of the alleged incident or incidents.

2.11 *Confidentiality*

Hearings of the Committee on Racial Discrimination and Harassment will be private. The Equity Liaison Officer will keep all materials pertaining to complaints of racial discrimination and harassment in strict confidence where legally possible. The names of complainants and respondents will not be made public.

2.12 *Effective Date*

The Policies and Procedures on Racial Discrimination and Harassment outlined above will take effect on the date they are approved by the Board of Governors of the University of King's College; they will not be retroactive.

2.13 *Relation to Existing Regulations*

Nothing in these Policies and Procedures will detract from the operation of the Regulations Governing Faculty-Administration Relationships...University of King's College, as revised by the Board of Governors, June, 1990 (the "Pink Book"), which may be invoked after the Committee on Racial Discrimination and Harassment has issued its report and recommendations.

3. **Educational Policies**

The University of King's College seeks to provide a learning and working environment in which racial, ethnic, and cultural differences are recognized and valued. The College will promote racial equity through continuing considerations of:

a. *Curriculum*

- programme curriculums - the choice of texts and material which critically analyze social constructs leading to the many forms of discrimination and those which address anti-racist and anti-discriminatory issues
- library holdings - which address anti-racist and anti-discriminatory issues
- outside speakers or guest presenters - King's will encourage the participation in its academic work of representatives of diverse groups

b. *Anti-racist and anti-discriminatory education for faculty, staff and students-speakers' series* - encouraging considerations of anti-racist and anti-discriminatory perspectives

- workshops
- symposiums

4. **Recruitment and Student Services**

Equality of opportunity rests upon making sure that all students are brought to understand (1) what King's has to offer them, within the context of the Halifax Consortium, (2) that all students feel comfortable about taking a place and continuing in the College, (3) that all students who are accepted are able to find the means to attend. In relation to racial equity, emphasis will be placed on:

- recruitment (visits/talks/summer camps)
- student services, especially social & advisory services
- provision of scholarships and bursaries and monitoring of their effectiveness
- providing an overall environment which encourages and supports the participation of diverse groups in College life.

5. Employment Equity Practices

The University of King's College is an equal opportunity employer. The basis of hiring in all spheres of College life is merit. Where applicants are equal on the basis of merit the College encourages the hiring of historically disadvantaged groups including Aboriginals, Blacks, those from Visible Ethnocultural groups and women. The College will also be active in seeking out qualified applicants from such historically disadvantaged groups.

6. Community Relations

The College will continue to provide educational forums and promote public debate, especially on questions of racial equity. King's will seek to strengthen links to the wider community through such initiatives as literacy programs, career explorations and opportunities, programs offered through the School of Journalism, and through its availability of its athletic facilities.

7. A Board Racial Equity Committee

The University of King's College will establish a Racial Equity Committee which will actively administer and monitor this Racial Equity Policy. The Committee will consist of :

1. Two members from the Board of Governors;
2. Two members from Faculty;
3. One student member;
4. One staff member;

5. One administrative member;
6. The Equity Liaison Officer;
7. One external member.

A sub-committee of three members chosen by the Board Racial Equity Committee from the Board, Faculty, Staff and/or administration will review the applications for and the renewal of the Dr. Carrie Best Scholarship and make recommendations to the College's Scholarship Committee.

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- i 1. Definition from the *Nova Scotia Human Rights Act*.
 - ii 2. Definition from the Halifax District School Board's *Anti-Racism Policy*.

Equity Policy Concerning Individuals with Disabilities

- 1. General Statement**
- 2. The Relationship Between King's and the Individual - Definitions, Roles and Responsibilities and Forms of Assistance**
- 3. The First Steps**

1. General Statement

King's welcomes individuals with disabilities and endeavours to offer them equitable access to the opportunities available within King's community. The presence of a diverse community enriches both the academic and professional lives within King's, while better serving the wider community.

King's is committed to encouraging individuals with disabilities to participate fully in university life. Implied in this goal is a commitment to the removal of attitudinal and environmental barriers that may prevent academically and professionally qualified individuals from enjoying such participation. This involves making our ongoing commitment clear – through education, the commitment of resources and appropriate individual support, as well as through the provision of a forum in which King's can oversee this pursuit.

King's recognizes that its size and nature presents unique challenges as well as opportunities. Amongst the challenges are the financial and other resource restrictions; amongst the opportunities are its small size and personal character, and long history of collaboration with other institutions and organizations.

2. The Relationship Between King's and the Individual – Definitions, Roles, Responsibilities and Forms of Assistance

- 2.1 King's distinguishes between a disability and the barriers that may arise from it. That is, King's understands that it is often the barriers that impact the individual's ability to fully participate in society and not the disability itself. The barriers are not inherent to the individual nor can they be reduced to a medical condition. Rather, the barriers involve the interplay of the individual, societal attitudes and structures, and traditional ideals of performance.
- 2.2 King's recognizes that all members or prospective qualified members of the King's community should have full access to all opportunities for employment and/or to be admitted to and continue with all educational programmes.
- 2.3 King's adopts the definition of "disability" found in the Nova Scotia Human Rights Act which reads: "Physical disability or mental disability" means an actual or perceived
 - i. loss or abnormality of psychological, physiological or anatomical structure of function,

- ii. restriction or lack of ability to perform an activity,
- iii. physical disability, infirmity, malformation or disfigurement, including, but not limited to, epilepsy and any degree of paralysis, amputation, lack of physical co-ordination, deafness, hardness of hearing or hearing impediment, blindness or visual impediment, speech impairment or impediment or reliance on a hearing-ear guide, a guide dog, a wheelchair or remedial appliance or device,
- iv. learning disability or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- v. condition of being mentally handicapped or impaired,
- vi. mental disorder, or
- vii. previous dependency on drugs or alcohol.

2.4 King's recognizes its role as an institution.

2.4.1 As an institution of higher learning, King's relies on objective standards of educational achievement and professional competency. True equity can only be realized by maintaining these objective standards. Although King's will modify forms of evaluation, teaching or methodology to accommodate persons with disabilities, standards of performance and professional requirements will not be altered, nor will objective standards concerning performance in work situations. For the purpose of fair decision making and equitable treatment of all individuals, this policy ensures that all individuals are granted equal opportunity to meet requirements and attain these objective standards.

2.4.2 King's embraces a policy of equal opportunity in relation to questions of hiring, acceptance to programmes and merit rewards (such as scholarships).

2.5 King's policy recognizes both permanent and temporary disabilities and works to accommodate both. King's also recognizes that the needs of the individual may change during their time at King's.

2.6 Individuals with disabilities should undertake a reasonable measure of self-advocacy to ensure they are afforded equitable opportunities. Individuals with disabilities are expected to:

2.6.1 identify themselves, initiate contact, provide due notice of required accommodations when possible, and make known the nature of their disability and/or their needs;

2.6.2 utilize assistance available within King's, Dalhousie and the community (accessing the appropriate individual/services directly or through the Accessibility Officer if assistance is required);

- 2.6.3 collaborate with King's by providing information to assist King's to develop appropriate accommodations such as adjustments to work schedules and alternate methods of evaluation;
- 2.6.4 to be aware of the support services, agencies and programs available to support their need for accommodation;
- 2.6.5 to be aware of King's rules and regulations, services, policies and procedures.
- 2.7 Individuals seeking accommodations for a disability must provide documentation of the disability and of the accommodation required. This documentation must be provided by a medical doctor (registered in accordance with the Canadian Medical Association or the appropriate licensing board of other countries) or other duly qualified practitioners acceptable to King's as is appropriate to the condition. Such adequate documentation (at the discretion of King's to define) is a requirement.
- 2.8 Students with disabilities can identify themselves at any point in the application and/or admission process or at any point during their time at King's. However, King's encourages potential students to declare their disability as soon as an offer of admission has been made. This aids King's in making provisions for meeting individual needs and gives potential students the opportunity to assess what types of services King's can provide. This facilitates the student's ability to make an informed choice about where to study. Under most circumstances due notice is required to ensure the necessary accommodations can be arranged.
- 2.9 Prospective staff members with disabilities that may directly influence their ability to perform their employment duties are asked to identify themselves upon an offer being made. King's encourages early notification so that appropriate accommodations can be made.
- 2.10 King's will, as far as possible given its financial and resource constraints (especially given the historical nature of some buildings) strive to provide the following levels of access:
 - 2.10.1 Full access to total learning, working, social and spiritual environment of King's, including (but not limited to) the various educational processes which belong to specific programmes (for example: access to classes, library, laboratories, workshops, tutorials, office hours and internships);
 - 2.10.2 Full access to King's campus;
 - 2.10.3 Full access to King's facilities and services;
 - 2.10.4 Full access to support and advocacy through the establishment of an Accessibility Officer;
 - 2.10.5 A right to the appeal process (outlined in Section 3) if an individual believes that the institution has acted unfairly in matters related to individuals with disabilities.

- 2.11 Individuals who require accommodations not already provided for by King's and who are eligible for funding, resources and support from sources external to King's are expected to avail themselves of this support. This could include adaptive equipment, external funding to support modification to facilities or work stations, or support services such as interpreters.
- 2.12 King's recognizes the individual needs of persons with disabilities. King's is committed to seeking all reasonable accommodations to the extent of undue hardship in promoting individual success. As such, King's recognizes that in order for an individual to fully participate in King's, unique situations will need to be addressed.

3 The First Steps

- 3.1 King's seeks to make campus buildings accessible to individuals with disabilities. This applies to all new buildings, as well as to renovations of existing facilities. This objective will be met by resource allocation through setting strategic goals, with the recognition that King's can change certain historical structures only in a limited way due to one or a combination of financial, design or structural constraints.
- 3.2 King's is responsible for promoting disability-related education and awareness initiatives. This includes ongoing sensitivity training and education programming for faculty, staff and students. As a community, it is the responsibility of all members of King's to ensure the promotion of this policy.
- 3.3 The promotion of this policy requires King's to maintain on-going relationships with the Office of the Advisor to Students with Disabilities at Dalhousie University, the Atlantic Centre for Students with Disabilities at Saint Mary's University and the Department of Education. These relationships will help King's maintain a current understanding of program options and technologies available. These relationships also help enhance the continued awareness of disability-related issues.
- 3.4 The Board of Governors will establish an Accessibility Committee to oversee the implementation of this policy and make recommendations to the President and the Board of Governors. The Accessibility Committee will be comprised of the Accessibility Officer (see section 3.6), a representative from each of King's Board of Governors, faculty, administration, maintenance, other staff and student body. Each representative will be selected through the normal nominating procedures used by each group. Membership will also include a member from outside King's community named by the King's Board of Governors Nominations Committee. Consultation with resource specialists will occur as necessary. Committee members will hold staggered terms of one to three years duration as determined by the Chair.
- 3.5 The Accessibility Committee will actively seek to overcome all barriers to full access. This will involve the on going assessment of present circumstances and recommending possible modifications as well as meeting the needs of individual members or qualified prospective members on an "as needed" basis. Specifically, the work of the Accessibility Committee will include:
 - 3.5.1 Recommending investment in infrastructure and resources through the normal budgetary processes;

- 3.5.2 Developing a positive general attitude at King's towards disability and, if required, identifying and addressing the need for awareness, education and change;
 - 3.5.3 Researching and recommending to faculty the need for pedagogical advances relating to the educational needs of individuals under this policy;
 - 3.5.4 Researching developments in issues and technologies relevant to individuals with disabilities and recommend appropriate investment as noted in 3.5.1;
 - 3.5.5 Reviewing and updating the Equity Policy concerning individuals with Disabilities. The Policy will be formally reviewed three years after implementation, and periodically thereafter;
 - 3.5.6 Developing, maintaining, and publicizing current procedures for the submission of requests for accommodations for equitable access;
 - 3.5.7 Annually appointing a Hearing Sub Committee of at least three members of the Accessibility Committee to assist the Accessibility Officer and/or the individual with Disabilities to explore solutions in cases where individual needs require provisions not readily available at King's.
- 3.6 King's will appoint an Accessibility Officer who will act as the primary contact for individuals with disabilities and who will be responsible for the day-to-day implementation of the policy. The Accessibility Officer will be responsible for facilitating and coordinating the ongoing assessment process outlined in Section 3.5 and also for coordinating the individual assessment process outlined in 3.7.
- 3.7 The Individual Assessment Process:
- 3.7.1 An individual who requires accommodation because of a disability shall
 - a. Identify him or herself to the Accessibility Officer; and
 - b. State the accommodation being sought and provide adequate documentation.
 - 3.7.2 Where accommodation is sought, the Accessibility Officer shall, as soon as reasonably possible, meet with the individual to discuss the accommodation requested and, if possible, to formulate a plan for its delivery.
 - 3.7.3 Where the Accessibility Officer is unable to arrange for the accommodation being requested, or is of the opinion that the request is unreasonable, the Accessibility Officer shall
 - a. Refer the matter in writing to the Hearing subcommittee and
 - b. Provide the individual with a copy of the reference to the Hearing Subcommittee
 - 3.7.4 An individual who has made a request for accommodation and who is not satisfied with the outcome of the meeting referred to in 3.7.2 may
 - a. Refer the matter in writing to the Hearing Subcommittee; and
 - b. Provide the Accessibility Officer with a copy of the reference to the Hearing Subcommittee

- 3.7.5 The Hearing Subcommittee shall, on receiving a reference under Section 3.7.3 or 3.7.4
- a. Consider the matter;
 - b. Where it is necessary in the opinion of the Committee, seek further information;
 - c. Make a temporary decision within 7 working days of receiving the reference and immediately communicate that decision to the individual and to the Accessibility Officer, and
 - d. Make a final decision within 30 days of receiving the reference, and immediately communicate that decision to the individual and to the Accessibility Officer.
- 3.8 A decision of the Hearing Subcommittee may be appealed to the Appeal Council. The three member Appeal Council is not a standing committee, but instead is assembled specifically to address issues at hand. Two members of this Committee are to be chosen from the Board of Governors of King's, one of whom is to be selected by the complainant, one of whom is selected by the Chair of the Board. The third member of the Council will be selected, from outside of King's, by the two Council members already selected from the Board of Governors. The Council will select a Chair from among its members.
- 3.9 Appeals to the Appeal Council shall be made in writing, orally or electronically within 30 days of the individual with disability making the appeal having received notice of the final decision of the Hearing Subcommittee. The Chair of the Appeal Council will notify the Chair of the Hearing Subcommittee that an appeal has been received and request written representation concerning the matter. The Appeal Council will consider written, oral or electronic representation from the individual with a disability, and written representation from the Hearing Subcommittee, as well as from other individuals the Appeal Council deems relevant to the matter at hand e.g. the Accessibility Officer, expert resources external to King's. The Council, after considering all representations on the matter, will report its conclusions and recommendations in writing to the Complainant, the Respondent (normally the Accessibility Officer and the Hearing Subcommittee) and King's President. If the appeal was received in an oral or electronic format from the complainant, the Council will endeavour to also communicate the final report in that format to the complainant whenever possible. The report must be completed and distributed within 60 (sixty) days of the date the appeal was lodged.
- 3.10 The President shall ensure appropriate action is taken on the basis of the findings of the Appeal Council.

Policy & Procedures On Sexual Harassment

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1. PREAMBLE

The objectives of this policy are to prevent sexual harassment, as required under the Nova Scotia Human Rights Act (see appendix A), and to provide procedures for resolving complaints when such harassment occurs or is alleged to have occurred. The University has the obligation to ensure that its policy and procedures are fair and are applied in an equitable manner. These procedures allow those who believe themselves to have been sexually harassed to bring complaints forward either on an informal or formal basis, and they equally allow those against whom allegations are made to have a full and fair opportunity to respond.

King's is committed to providing its faculty, staff and students with the best possible environment for working and learning, one that allows collegiality to flourish through mutual respect. It upholds its ethical responsibilities as a University by ensuring that the full and free participation of all of its members in college life is not undermined by sexual harassment. King's provides programs to raise awareness of sexual harassment and of its negative impact upon the university community.

The University recognizes the serious nature of malicious or misleading allegations of sexual harassment and provides procedures for dealing with these.

This policy does not apply to sexual assault or stalking which fall under the Criminal Code.

2. APPLICATION

The King's Policy on Sexual Harassment applies to all employees and students of King's while on campus or off campus while engaged in university-related activities. All other individuals are expected to respect this policy while on the King's campus.

The University of King's College promotes teaching, scholarship, research and the free and critical discussion of ideas. This policy is not to be applied in such a way as to detract from the right of faculty, staff and students to engage in the frank discussion of potentially controversial matters. This policy is not intended to limit or prohibit debate, instructional techniques, or the assignment of readings that advocate controversial positions, provided that discussion and instruction are conducted in a mutually respectful and non-coercive manner.

3. DEFINITIONS

3.1 Sexual Harassment

Sexual harassment is unwelcome or inappropriate sexual attention or behaviour, consisting of one incident or a series of incidents by an individual or group to another individual or group who knows or ought reasonably to know that such attention is unwelcome such as:

- a) unwelcome sexual attention of an abusive or persistent nature; or
- b) sexually-oriented behaviour or remarks when such conduct results in an intimidating, hostile or offensive environment in any university-related context; or
- c) a promise of a benefit (actual or implied) for agreeing to comply with a sexually-oriented request and/or demand; or

- d) a reprisal or threat of a reprisal for refusal to comply with a sexually-oriented request and/or demand; or
- e) an implied or expressed denial of an opportunity as a result of a refusal to comply with a sexually-oriented request and/or demand; or
- f) gender-based behaviour or remarks which create a hostile work or learning environment or which limits access to opportunities available to others.

Sexual harassment may take the following forms:

- i) Verbal: demeaning or belittling remarks of a sexual nature, including innuendoes, taunts, insults, jokes, propositions, invitations or threats.
- ii) Physical: unwelcome physical contact of a sexual nature.
- iii) Visual: display or electronic transmission of materials, pictures, jokes, cartoons, graffiti, literature, etc. which create an offensive or hostile work or learning environment.
- iv) Other: suggestive or insulting behaviour such as whistling, leering, sexually offensive gestures.

The descriptions above do not cover all forms of sexual harassment. The conduct described is provided for illustration purposes only and should not be regarded as exhaustive. Individuals who believe that they may have been sexually harassed are encouraged to consult with the Sexual Harassment Advisor.

3.2 Other Definitions

- a) A Complainant is any person who seeks recourse under this policy.
- b) A Respondent is any person against whom an allegation of harassment has been made.
- c) A complaint is a concern regarding alleged sexual harassment brought to the attention of the sexual harassment advisor. The complaint may take one of two forms:
 - i) a verbal or informal allegation. Resolution may involve education, counselling or mediation. No punitive or disciplinary action can be taken against the Respondent.
 - ii) a written or formal allegation. Resolution may involve mediation, an investigation or a hearing as outlined in Section 8.3.5 of this policy. A substantiated complaint may result in the imposition of penalties.
- d) Mediation is a voluntary and confidential process in which an impartial, trained mediator assists the parties to reach a mutually acceptable resolution. Mediation is not designed to establish fault or blame.
- e) An investigation is a formal procedure by which Complainants, Respondents, and witnesses are interviewed by a qualified neutral person. The investigation may result in the courses of action referred to in Section 9.

4. STALKING AND SEXUAL ASSAULT

Stalking and sexual assault, which includes coerced sexual relations, are offenses falling under the Criminal Code and therefore should be referred to the police. Criminal behaviour does not

fall within the scope of this policy. Nevertheless, the University will make available support and advice to individuals who are concerned about stalking or sexual assault.

5. SEXUAL HARASSMENT ADVISOR

5.1 Appointment

The Board of Governors of the University of King's College appoints a Sexual Harassment Advisor. The responsibility for nominating the Sexual Harassment Advisor is delegated to the President. The President's nomination is arrived at after consultation with the various constituencies in the University, i.e. the administration, faculty, staff and students.

5.2 Responsibilities of Sexual Harassment Advisor

The Sexual Harassment Advisor shall:

- a) act as an impartial advisor;
- b) provide information and be available for consultation to all members of the university community on questions concerning sexual harassment;
- c) be available to discuss concerns and provide support and referrals in matters of sexual harassment and sexual assault;
- d) explain the Policy on Sexual Harassment and available options;
- e) receive all complaints of sexual harassment;
- f) initiate the procedures of this policy, when appropriate;
- g) serve as either a mediator or as an investigator when appropriate;
- h) maintain all information received in a confidential manner except as outlined in this policy;
- i) keep informed of current issues and literature pertaining to sexual harassment;
- j) advise people of the importance of filing complaints expeditiously to help ensure fair and just conclusions to complaints;
- k) act as liaison between the President and the Sexual Harassment Committee;
- l) ensure the Complainant and Respondent are informed of the status of the on-going procedures;
- m) report to and perform such other functions and duties as the President may reasonably request;
- n) prepare an annual report for the President which will include the number, nature, and disposition of concerns and complaints. No information identifying specific individuals will be disclosed in this report. The statistical portion of this report may be released.

6. SEXUAL HARASSMENT COMMITTEE

6.1 Membership

The Sexual Harassment Committee will consist of the following:

- a) two representatives from Faculty;
- b) two representatives from Staff;
- c) two Student representatives enrolled at the University of King's College;

- d) one representative from among the following: the Bursar, the Deans, the Director of Alumni, Development & Public Relations, the Director of Athletics, the Librarian, the Registrar and the Student Services Coordinator;
- e) one representative from the Board of Governors;
- f) the Sexual Harassment Advisor.

For constituencies where there are two representatives, one from each gender will be appointed whenever possible.

The Sexual Harassment Committee may choose to co-opt an additional member whose experience and knowledge would be of assistance to the committee.

The Sexual Harassment Committee will appoint a Chairperson from amongst its members.

Representatives will be chosen by their own constituencies in consultation with the Sexual Harassment Advisor.

The College will ensure training for members of the committee to enable them to deal with sexual harassment issues.

6.2 Terms

Student representatives will serve one-year terms, renewable. All other members will serve two year terms. To assure continuity of experience on the Sexual Harassment Committee, initially one representative from Faculty and Staff will be asked to serve for three years.

6.3 Responsibilities of the Sexual Harassment Committee

The Sexual Harassment Committee shall:

- a) promote awareness and understanding of the issues of sexual harassment among members of the university community;
- b) provide ongoing education and materials with respect to the Policy on Sexual Harassment;
- c) serve as members of the Sexual Harassment Hearing Panel when called upon;
- d) maintain and respect the confidential nature of all information received as a member of the committee;
- e) review the policy every three years;
- f) recommend changes to the procedures to facilitate the university's ability to deal effectively with instances of sexual harassment.

7. RESPONSIBILITIES

7.1 General Responsibilities

Each member of the university community, including students, staff, faculty, administrators and contractors, is responsible for helping to create an environment that is free from sexual harassment.

7.2 Supervisor's Responsibilities

An individual in a supervisory position should attempt to prevent sexual harassment from occurring and to respond appropriately to concerns regarding possible sexual harassment brought to his or her attention. The supervisor must inform those who bring such concerns of the existence of the University's Sexual Harassment Policy and of the office of the Sexual Harassment Advisor.

The supervisor may:

- a) assist them to talk directly to the individual(s) involved; and/or
- b) speak directly to the other individual(s); and/or
- c) consult with the Sexual Harassment Advisor; and/or
- d) refer them to the Sexual Harassment Advisor.

Any action taken by the supervisor should be in consultation with those who have brought forward the concern(s) and shall respect confidentiality as set out in this Policy.

8. PROCEDURES

8.1 Advice and Consultation

Any member of the university community who believes he or she has been sexually harassed or believes he or she may become the subject of a sexual harassment complaint is encouraged to seek advice and assistance from the Sexual Harassment Advisor. The Sexual Harassment Advisor will discuss any concerns, review the policy, and explain options available both within and outside the university. If the individual concerned then chooses to take further action he or she may either follow the informal or formal resolution procedures.

8.2 Informal Resolution

It is anticipated that most complaints of sexual harassment can be resolved through informal resolution. Every effort will be made to resolve complaints at the most informal level possible and to resolve them as quickly as possible. The Sexual Harassment Advisor can offer advice on possible informal resolutions and mediate when appropriate.

8.3 Formal Resolution

8.3.1 The formal resolution procedures commence with the filing of a signed written complaint, submitted to the Sexual Harassment Advisor, detailing the circumstances surrounding the incident(s). Once a formal complaint of sexual harassment has been received, the Sexual Harassment Advisor shall:

- a) provide the Respondent with a copy of the written complaint and a copy of the Policy on Sexual Harassment, in a timely fashion. In most cases, the Sexual Harassment Advisor will meet with the Respondent to discuss the complaint. However, when a meeting is not feasible the complaint will be forwarded by registered mail to the address in the University's file. The Respondent will be requested to make a written response to the Sexual Harassment Advisor within ten working days from the date he or she receives the complaint;

- b) notify the President of the University of King's College that a formal complaint has been made without disclosing the identities of the parties or details of the complaint.

8.3.2 Once a written response has been received or the ten day period has elapsed, the Sexual Harassment Advisor shall initiate mediation, an investigation, or a hearing.

8.3.3 Mediation

Mediation is a voluntary and confidential process in which an impartial, trained mediator assists the parties to reach a mutually acceptable resolution. Mediation is not designed to establish fault or blame.

Mediation requires the agreement of both parties. This process will normally be undertaken by the Sexual Harassment Advisor but another qualified mediator may be appointed with the agreement of both parties. It is expected that mediation will be completed within three weeks of its commencement. A settlement will be put in writing as a Statement of Resolution signed by both the Complainant and the Respondent. If no resolution has been reached, the Sexual Harassment Advisor may initiate an investigation or a hearing either of which will be undertaken as expediently as possible.

8.3.4 Investigation

The Sexual Harassment Advisor may determine that there needs to be an investigation into the merits of the complaint. This investigation will be undertaken by the Sexual Harassment Advisor or an external investigator when deemed appropriate. The Sexual Harassment Advisor will not act as the investigator if he/she has been involved with the parties as a mediator. Upon completion of the investigation the Sexual Harassment Advisor will review the findings of the investigation with the parties and;

- a) attempt a resolution; and/or
- b) initiate a hearing; or
- c) decide that there are insufficient grounds for proceeding with the complaint.

8.3.5 Hearing

The hearing will be conducted by a Sexual Harassment Hearing Panel consisting of four members. Three members will be selected by and from the Sexual Harassment Committee. The Chairperson of the Sexual Harassment Committee will approach the Executive of the Board of Governors to appoint a non-voting Chairperson for the Hearing Panel from the Board of Governors. No two voting members may be from the same constituency. In selecting the panel, every effort will be made to ensure neutrality.

The Chairperson of the Hearing Panel will be responsible for convening the panel.

The Complainant and the Respondent have the right to challenge, on reasonable grounds, the members chosen to hear the complaint. Challenges to the constitution of the panel would be directed to the Chairperson.

The Chairperson will provide the Complainant and Respondent with a written notice including the time, place and purpose of the hearing. Such notice will be provided fourteen days in advance.

The hearing will be conducted in private with regard to due process and according to the principles of natural justice.

The Complainant and Respondent may be accompanied by an advocate or a support person, at their own expense.

The Chairperson will report the findings of the Sexual Harassment Hearing Panel to the Sexual Harassment Advisor and the President.

If the Sexual Harassment Hearing Panel finds that the Sexual Harassment Policy has been contravened, it will recommend remedies and/or sanctions to the President.

Based on the recommendation from the Sexual Harassment Hearing Panel, the President will communicate his/her decision to the Complainant, Respondent, Sexual Harassment Advisor and the Sexual Harassment Hearing Panel.

9. SANCTIONS AND REMEDIES

Following formal procedures, sanctions may be imposed and remedial action may be taken to stop sexual harassment. Remedial actions are intended to restore the complainant to the position he or she would have been in if the sexual harassment had not occurred. Sanctions are intended to prevent reoccurrence of the harassment, to discipline and to educate those who breach the provisions of this policy. Discipline will be appropriate to the offense and the relevant circumstances of the case.

Some examples of sanctions for the respondent are:

- an apology;
- a verbal reprimand;
- a letter of discipline;
- a letter of discipline included in the individual's file;
- restricted access to campus activities or facilities;
- mandatory participation in counselling or training;
- transfer, probation, suspension, dismissal, expulsion.

Some examples of remedies for the complainant are:

- restoration of employment or academic status;
- transfer of the complainant to a different class, position or location with their permission;
- in cases where the evaluation of the work of the complainant has been affected by the sexual harassment, a re-evaluation of the work by another equally qualified person may be conducted.

10. APPEAL PROCESS

The findings and decisions made under this policy may be appealed by writing to the Chairperson of the Board of Governors within two weeks of receipt of the formal decision. A notice of intent to appeal shall identify in detail the grounds for the appeal. Upon notification the Chairperson of the Board of Governors will convene a Sexual Harassment Appeal Committee consisting of three members chosen from the Board of Governors of the College, one of whom is selected by the Complainant, one selected by the Respondent and a third, selected by those two committee members, who will act as Chairperson. The Sexual Harassment Appeal Committee, after considering all representations on the matter, will report its conclusions and recommendations in writing to the President, Complainant and Respondent. The President shall ensure appropriate action is taken on the basis of the findings of the Appeal Committee.

11. CONFIDENTIALITY

All members of the university community involved in a case are required to maintain confidentiality.

The exceptions to complete confidentiality are:

- a) where disclosure is necessary to carry out the procedures outlined in this policy;
- b) where disclosure is required by law;
- c) where in the University's opinion disclosure is necessary to ensure health and safety.

12. MALICIOUS COMPLAINT

The University recognizes the serious nature of complaints that are maliciously and deliberately invented. Individuals found to initiate malicious complaints will be subject to sanctions as outlined in section 9. Such complaints are not to be confused with complaints made in good faith that are ultimately found to be without merit.

13. RETALIATION

Individuals who seek recourse under this policy including witnesses who believe themselves to be the subject of retaliatory action should discuss their concerns with the Sexual Harassment Advisor. Retaliation in and of itself is a form of harassment and will not be tolerated.

14. TIME LIMITS

A complaint of sexual harassment should be made within twelve months of the date of the last alleged incident. Given unusual circumstances, the time limits set out in this policy may

be amended. The onus is on the individual seeking an extension to establish reasonable cause for the delay and that the delay will not prejudice the case of the other party.

15. APPLICATION OF PROCEDURES

The application of these procedures may be modified in specific instances, as is reasonably necessary.

16. EFFECTIVE DATE

The Policy on Sexual Harassment outlined above will take effect on the date it is approved by the Board of Governors of the University of King's College.

17. RELATION TO EXISTING REGULATIONS

Nothing in this Policy on Sexual Harassment will detract from the operation of the University of King's College's regulations and policies.

18. APPENDICES

18.1 Appendix A: Nova Scotia Human Rights Act. R.S.,c.214,s.1 (October 18, 1991)

3. In this Act, "sexual harassment" means

- i) vexatious sexual conduct or a course of comment that is known or ought reasonably to be known as unwelcome,
- ii) a sexual solicitation or advance made to an individual by another individual where the other individual is in a position to confer a benefit on, or deny a benefit to, the individual to whom the solicitation or advance is made, where the individual who makes the solicitation or advance knows or ought reasonably to know that it is unwelcome, or
- iii) a reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance

5. Sexual harassment

- (2) No person shall sexually harass an individual.