

SMC RESIDENCE CODE OF DISCIPLINE 2009 - 2010

This document explains the range of possible sanctions for violations of the Rules of Residence. In the application of this Code, the nature of the offence, the severity to which it has been breached and the degree to which the violation is sanctioned, will be determined by the don or the Dean of Students as the case may be. This Code applies to all those living in the SMC Student Residence and holds residents responsible for the conduct of their guests. The normal range of sanctions reflects the likely consequences of a first-time offence. Repeat offences or further breaches of the rules will result in escalated disciplinary action. Each incident will be evaluated individually and may result in sanctions that fall outside of the normal range, depending on the particular circumstances of each case. Disciplinary sanctions may be mitigated for students who are willing to admit their wrongdoing and accept responsibility for their actions. Conversely, students who are untruthful, uncooperative, or who attempt to obstruct a disciplinary investigation risk receiving harsher sanctions than they might have otherwise.

TYPES OF OFFENCES

Level 1: The possible sanctions that may be imposed for Level 1 offences include, but are not limited to, any one or a combination of the following: oral warnings, written warnings, restitution, behaviour contracts, community service or monetary fines. Level 1 offences include but are not limited to violations of the rules pertaining to:

- Excessive noise;
- Visiting hours and/or overnight guests;
- Possession of proscribed items in one's room;
- Smoking cigarettes in prohibited areas or burning incense in one's room;
- Removing items from the dining hall;
- Removing furniture from one's dorm room or the common room (including window screens);
- Cooking in the residence;
- Failing to keep one's dorm room or common room clean and in good order;
- Keeping pets in residence;
- Accidentally damaging College property;
- Violating the terms of the Network Use Agreement.

Level 2: The offences in Level 2 are considered to be more serious than those in Level 1 and will generally be treated as such. Possible sanctions include all those that apply to Level 1 offences, as well as disciplinary probation, denial of readmission, eviction, and residence bans. Students may also face charges under the University of Toronto's Code of Student Conduct or the Criminal Code of Canada, as the case may warrant. Level 2 offences include but are not limited to:

- Repeated violations of Level 1 offences;
- Unauthorized entry into residence rooms or prohibited areas of the College;
- Sneaking or attempting to sneak non-residents into the dining hall;
- Throwing, letting drop or propelling objects from a residence window;
- Inappropriate, insubordinate or offensive conduct directed toward SMC dons or staff;
- Failing to adhere to instructions or requests from the dons or residence life staff; please note that ignorance of who is a don or residence life staff member is not an excuse;
- Causing a false fire alarm;
- Drug and alcohol violations;
- Theft or vandalism;
- Threatening, intimidating or harassing behaviour, including sexual harassment;
- Assaults of any kind, including sexual assault;
- Behaviours which are deemed to be potentially harmful to oneself or others;

- Engaging in lewd, indecent or sexual activities in public/shared areas;
- Compromising fire safety or building security;
- Possession of especially dangerous proscribed materials;
- Aiding, abetting, conspiring or inciting others to commit Level 2 offences.

DEFINITION OF DISCIPLINARY SANCTIONS

Oral Warnings: These are verbal statements which identify the offending behaviour and request its cessation. A written record of oral warnings may be kept in order to track repeat offenders.

Written Warnings: These are official documents issued by the dons or the residence life staff, which outline the offending behaviour and requests its cessation. A copy of all written warnings issued by the dons will be sent to the Dean of Students and stored in the resident's file.

Fines: A fine is a written order to pay a monetary penalty for violations falling under this Code. Monetary fines may be imposed for any level of offence. In most cases, payment must be made or a payment plan established, within 14 working days of the order.

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

Restitution: This is an order to render monetary compensation for any damage or loss to the College or another's personal property. In most cases, payment must be made or a payment plan established, within 14 working days of the order. An order to provide restitution may also be accompanied by a fine.

Behaviour Contract: This is a written contract that places restrictions and/or expectations on the future behaviour of a resident.

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

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

Eviction: When deemed necessary by the Dean of Students, a resident will be required to leave residence, with all his/her possessions, within 48 hours. Residents who are evicted will receive written notification stating the reason they are being evicted as well as any other terms or conditions that may apply.

Residence Ban: This means a person will no longer be permitted access to the residence buildings or to rooms on campus that fall under the residence jurisdiction. Campus Police and College Security will be notified of all ban cases and those who violate their ban will face criminal prosecution. Students may request to have their ban status lifted after a period of one year. This request must be made in writing and will be decided by the Dean of Students.

Any sanction imposed by a don may be appealed to the Dean of Students for reconsideration. Decisions or sanctions imposed by the Dean of Students are final and binding.