

**Acadia University
Non-Academic Judicial Process**

**FILING A
NON-ACADEMIC JUDICIAL CHARGE**

**YOUR RIGHTS
AND
RESPONSIBILITIES**



<http://studentservices.acadiau.ca>

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Services of the time and place of the hearing and advise you to bring any witnesses and/or information you need.

(6) Proceedings

The proceedings from the original hearing are to be made available to the University Disciplinary Appeals Committee prior to the hearing. These should include a description of the procedures used in conducting the hearing and a list of all witnesses.

(7) Procedures

The University Disciplinary Appeals Committee will function under guidelines which will be provided to you in writing at the time you are notified of the date, time, and place of your hearing. The Chairperson of the University Disciplinary Appeals Committee will preside over the hearing.

(8) Decision

The decision of the University Disciplinary Appeals Committee will be determined by a majority vote of the Committee within **two (2) working days** of the completion of the hearing. The decision will be made known to all affected parties. Decisions of the University Disciplinary Appeals Committee are final with no further university appeals possible, except in the case of a decision to dismiss or expel the accused from the University, in which case you or the accused may appeal to the Board of Governors.

(9) Appeal to the Board of Governors

You should direct any further appeals to the Secretary of the Board of Governors, c/o the Office of the President, Acadia University, within **five (5) working days** of your receipt of the decision of the University Disciplinary Appeals Committee. The Board of Governors' decision will be final and binding upon you and all other parties concerned and will be made known in writing to you and all other parties concerned.

FOR ADVICE AND FURTHER INFORMATION

Your Judicial Advisor can be contacted through Steve Hassapis, the Coordinator, Student Community Development. Steve is in Room 627 of Old Student Union Building.

- That in your opinion or in the opinion of the accused, the sanction(s) handed down in the original hearing is(are) disproportionate to the severity of the offense(s).
- **Minimum sanctions cannot be classified as disproportionate.** An appeal under this section presupposes that the accused acknowledges his or her guilt; this specifically eliminates the need for a new hearing on the original offense, but does involve a hearing to assess the relationship between offense and sanction(s). The University Disciplinary Appeals Committee will only change the penalty if it feels that it was disproportionate to the offense.

(3) Notice of Appeal

If either you or the accused feel that grounds for an appeal exist, you may appeal to the University Disciplinary Appeals Committee referred to previously in this section by filing a written Notice of Appeal on the prescribed form (available from Student Services) to the Chairperson of the University Disciplinary Appeals Committee, c/o the President of the Acadia Students' Union with copies to the Executive Director, Student Services stating the ground(s) for appeal within **five (5) working days** of your receipt of written notification of the decision of the Judicial Board.

Only one written request for appeal will be accepted for any particular case. You should include in your request for appeal all the reasons you feel that an appeal should be heard in your case.

(4) Disposition of Sanction(s) Resulting from the Original Decision

Once an appeal is launched the sanction(s) the accused received will be in effect unless suspended in part or in whole by agreement of the Executive Director, Student Services and the President of the Acadia Students' Union.

(5) Time and Place of Hearing

The Chairperson of the University Disciplinary Appeals Committee will set a time and place for the hearing of any appeal, which is to be completed within **fourteen (14) working days** of the date you have submitted your Notice of Appeal. The Chairperson will inform you, the accused, and the Executive Director, Student

Philosophy of The Acadia University Non-Academic Judicial Process

A basic issue concerning violation of rules, regulations, and guidelines at any university is the failure of students to realize and appreciate that certain fundamental rules and regulations are necessary in any community. The solution to this problem—the realization on the part of each student of the demands of a community—is in part centered on the fact that discipline should come from within each person.

Discipline must be considered as a tool, used in conjunction with guidance, rather than a threat. Primarily, discipline should be re-educative and preventative. If certain restrictions or punitive responses aid in the attainment of these goals then they should be employed. Punishment should never be levied for its own sake. Educational disciplinarians attempt to find out why a student misbehaved. After determining motive we explain the reason the regulation or rules exist and why the actions were inappropriate. We appeal to a sense of reason and responsibility.

Discipline is used with the goal of reeducating to help a person understand that further infractions are unnecessary, not because he or she is afraid of the punitive consequences but because of the realization that such actions are not acceptable in that community. This is the basis of the disciplinary function.

Individuals disregard a regulation or policy of a university for specific reason. The primary purpose of re-education is to uncover this reason and show why it is inconsistent with the university community. We also aid in coming to the realization that certain regulations are necessary and that as a member of the society s/he must abide by them, take what consequences may result from not doing so, or find necessary channels through which to change them. In other words, we are attempting to assist in the process of reorienting attitude with respect to his or her social, ethical, personal or religious development.

YOUR RIGHTS AND RESPONSIBILITIES

If you want to charge someone with a non-academic offense, you have the following rights:

- You have a right to be free of any harassment, either direct or indirect, as a result of charging another individual with an offense.
- You have a right to present your side of the story and question the accused and his or her witnesses at a hearing.
- You have a right to an appeal subject to the limitations and processes described in this brochure.

You have the following responsibilities:

- You are required to respect and comply with all of the University's judicial policies and procedures as described in this brochure and the "Acadia University Non-Academic Judicial Handbook."
- You are required to make the appropriate preparations (such as arrangements for witnesses) for the presentation of your case at your judicial hearing. Please note that a Judicial Advisor is available to assist you and to consult with you, but it is not your Advisor's job to completely take over and prepare your case for you.
- You are required to abide by any disciplinary decision made by the Judicial Board, the University Disciplinary Appeals Committee, or an administrative officer of the University or Acadia Students' Union.

COMPLAINT AND HEARING

Any member or agency of the University community (student, faculty, administrator, or employee) may lodge a complaint as provided for under the section entitled "Jurisdiction and Composition of Judicial Agencies" in the "Acadia University Non-Academic Judicial Handbook, which can be found on the Acadia University website under Student Services

RENDERING A DECISION

Upon completion of the hearing, the Judicial Board must within **two (2) working days** inform Student Services of the decision and, if necessary, the sanctions which have been imposed. University policy requires that you and the accused be informed in writing of the decision in the case and of the right to appeal within **five (5) working days** of the receipt by Student Services of the Board's complete decision. Copies of the decision will be forwarded to you, the accused, and any other persons or agencies affected by the decision.

APPEALS

(1) Right to Appeal

It is the responsibility of the Executive Director, Student Services to inform you and the accused in writing of the right to appeal and to refer both of you to the information which follows.

(2) Grounds for Appeal

You may lodge an appeal with the University Disciplinary Appeals Committee on one or more of the following grounds:

- That there have been new developments in the case or new evidence has come to light subsequent to the original hearing. (You would be required to show good reasons why new evidence or other developments could not have been presented at the original hearing.) If your appeal is upheld on this ground, the University Disciplinary Appeals Committee will rehear the case immediately.
- That in your view or the view of the accused, the case was prejudiced by either improper conduct on the part of one or more Judicial Board members or because procedures had not been properly followed in the notification, pre-hearing, or hearing processes. If the University Disciplinary Appeals Committee determines that something prejudicial did happen in the process, it will then rehear the original case immediately using the procedures outlined for judicial hearings.

FAILURE TO ATTEND HEARING

If the accused fails or refuses to attend a hearing, the case will be heard in absentia. **In the event you fail or refuse to attend a hearing, the case will be dismissed.**

PROCEDURES AT HEARING

The hearing will be conducted by the Chairperson of the Judicial Board. Questions of procedure or any other matters pertaining to the general conduct of the hearing will be subject to the rule of the Chairperson. You and the accused will both be permitted to testify personally and call witnesses, provided, however, that your case against the accused is completed prior to the accused testifying or calling witnesses. **In no event can the accused be compelled to testify.** Upon completion of the above, both you and the accused, in that order, are permitted time for rebuttal and summary.

In cases where two students have charged each other and it becomes clear that the matter before the Board is a form of 'domestic' dispute, after opening statements are presented by each side the Board may order the two parties to engage in a formal mediation attempt, (the Community Justice Forum being an example). This does not preclude the hearing of charges should the attempt at mediation fail.

ADVISORS

The judicial procedures are informal, however, should a student present a reasonable request for legal representation at the Judicial Board, such representation shall be permitted if provided by the student. However, two student Judicial Advisors are available, one for you and one for the accused, to assist in discussing complaints, preparing for hearings, and in presenting cases at a hearing. Advisors may be contacted through Student Affairs .

Although an Advisor is available to help you prepare and present your case, this Advisor is not held accountable for the outcome of your case.

(<http://studentservices.acadiau.ca>). A copy of this document can also be obtained from the Student Services office. Every complaint must be made in writing on the prescribed Judicial Incident Report Form, signed by the person making it, and filed with Student Affairs within **thirty (30) days** of the alleged offense or knowledge of details of the alleged offense. In the event that you are unable by reason of physical disability only to file such a complaint within **thirty (30) days**, the time limit for such filing will be extended to a time not to exceed **one (1) working day** from the time that you become physically able to file such a complaint. Once the Judicial Board has begun to hear a complaint, it may not be withdrawn by either party.

Your Judicial Advisor will be instructed to provide you with a list of Judicial Board members for your case. If you feel that there is a conflict of interest arising from the participation of any of these people, then you may request in writing that the particular member step aside for your case.

YOUR INITIAL PREPARATION, INCLUDING COMPLETING A JUDICIAL INCIDENT REPORT FORM

- (1) Before doing anything, you should read this brochure and the "Acadia University Non-Academic Judicial Handbook **very carefully**. Also, you are more than welcome to consult with and ask for advice from Student Services.
- (2) Complete all sections of the report, including the section on witnesses (if there were any), except the section "Offenses Allegedly Committed". Read the completed report carefully, then Complete the "Offenses Allegedly Committed" section yourself. If you are not sure which charges apply, one of the following individuals would be pleased to assist you:
 - The Executive Director, Student Services
 - The Coordinator, Student Community Development
 - The Director, Department of Safety and Security
 - The Acadia Students' Union's Bar Services Manager
- (3) You are required to sign and date your report.
- (4) Please note that illegible reports will be screened by Student Services and sent back to be re-written.

- (5) Reports must not include unrelated allegations, innuendo, rumors, hearsay, or editorializing. If your report includes any of these, you will probably lose your case.
- (6) You may obtain a Judicial Incident Report Form from Steve Hassapis (steve.hassapis@acadiau.ca).

TIME AND PLACE OF HEARING

Student Services is required to inform the accused of your complaint within **five (5) working days** of receiving it by sending him or her a written copy of the complaint with appropriate documentation, including a copy of the procedural information brochure for accused persons and a reference to the "Acadia University Non-Academic Judicial Handbook. You and the accused will also be informed of the time and place of the hearing.

Notification of the time and place of hearing, the decision of the Judicial Board, and the decision of the University Disciplinary Appeals Committee (if necessary) will be sent to your local address and will be considered delivered within 24 hours of the date at the top of the notification letter if you live in residence, and within three (3) working days if you live off-campus.

The Executive Director, Student Services is authorized to place temporary restrictions on the accused person while the case is pending in the judicial process. These temporary restrictions will usually, though not always, involve bans from the environment where the alleged offense took place.

PRE-HEARING SETTLEMENT

If the accused agrees with the essence of the charge you have made against him or her, and if the accused and the Coordinator, Student Community Development who is responsible for Pre-Hearing Settlements can agree on the sanction(s) to be imposed, the case will be concluded at that time and the decision will be communicated to you, the accused, and any other persons or agencies affected by the decision.

Pre-hearing settlements must take place during the week before the week of the scheduled judicial hearing.

You should be aware of the fact that a pre-hearing settlement may be appealed to the University Disciplinary Appeals Committee by you, but not by the accused.

If this is one of those situations where you wish to charge another student with verbal abuse, the Coordinator, Student Community Development in consultation with the Executive Director, Student Services may recommend to both of you that this situation be resolved through mediation rather than through a formal judicial process. The Coordinator, Student Community Development would then offer his / her services, the services of a member of the Acadia Students' Union Executive or other qualified individual as mediator. If you and the other parties to the case are in agreement that you wish to use mediation to attempt to resolve the issue, then judicial charges will be deferred, then cancelled if mediation is successful. If the mediation process is unsuccessful for any reason, your original charge will be resolved through the normal judicial process.

TIME LIMITS REGARDING HEARING

Hearings will be conducted weekly by the Judicial Board. No more than **twelve (12) working days** may lapse from the time the accused is informed of your complaint before the case must be heard by the Judicial Board. Exceptions will be made in the case of complaints generated just before mid-year examinations (which will be held over until January) and complaints generated close to the end of the academic year and cases scheduled for Board Hearing Dates that fall on scheduled University Holidays or during Winter Break.

Either you or the accused may ask the Coordinator, Student Community Development to grant a postponement provided sufficient reason is given. No postponement will be granted after 12:00 noon on the day of the hearing. If a postponement is granted, you and the accused will be informed, in writing, of the new date and time of the hearing.