

NON-ACADEMIC JUDICIAL HANDBOOK



**ACADIA UNIVERSITY
STUDENT SERVICES**
(Revised: September 2018)

<http://studentservices.acadiau.ca>

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SECTION A

THE ACADIA UNIVERSITY NON-ACADEMIC JUDICIAL PROCESS OVERVIEW

PHILOSOPHY

A basic issue concerning violation of rules and, regulations, and guidelines at any university is the failure to realize and appreciate that, certain fundamental rules and regulations are necessary in any community. The solution to this problem - the realization 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 behaviour occurs. 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 re-educating, to help a person understand that further infractions are unnecessary, not because a person 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 reasons. 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 they 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 their social, ethical, personal or religious development.

GENERAL GUIDELINES

1. Disciplinarians must be able to distinguish between the individual and the act.
2. Discipline must be considered as positive rather than negative.
3. Discipline should be a learning process - aiding in understanding the universal norms of acceptable conduct in a university community.
4. Reasonable regulations are necessary for community living.
5. Discipline should not be used as a threat - threatening is negative and will not render effective results. Discipline is a consequence of inappropriate behavior.
6. All inappropriate behavior should be approached with an open mind. Each incident has too many variables to establish a universal set of rules.
7. Disciplinarians should work with and attempt to re-educate unless or until it becomes evident that the individual would benefit and develop more if separated from the residence or university community.

The sanction chosen is one which “fits the crime” when an individual is determined to be responsible for violating a campus regulation, the sanction is rarely solely that of punishment for the offense but is chosen because that sanction is believed to be educational in its impact on the offender. The emphasis, therefore, is of a dual nature, both to punish and to educate. Sanctioning through the judicial process also reaffirms the values of the campus community while encouraging everyone to internalize the disciplinary process.

By our actions as adjudicators, we are educating both individuals and the community as to our expectations, to how we expect people to behave on our campus in regard to each other and the environment. Orienting and communicating is one of the most important variables in shaping the context for discipline on the campus. Everyone needs to know both what is expected of them and what the philosophy or educational goal of our discipline process is.

STATEMENT OF PRINCIPLES

Acadia University is an educational institution which seeks to further the social and emotional development of students as well as their ability to be critical and rational thinkers. Acadia University strongly supports the principle of freedom of expression and inquiry, will protect the right of its members to express unpopular opinions and ideas and conduct research in unpopular areas, and will expect that members of the Acadia University community will recognize their responsibility to protect these rights for all other members of the community. The University does not tolerate intimidation (which includes, but is not limited to, harassment and “silencing” of unpopular opinions). We also believe that a fundamental code of behaviour is sensitivity to the effect of one’s personal behaviour on others and respect for their personal and property rights.

AUTHORITY

The authority for Acadia University’s Judicial Process derives from the power granted to the Board of Governors by the Province of Nova Scotia under the University’s Act of Incorporation in 1891. These powers are exercised on behalf of the Board of Governors by the Executive Director, Student Services or designate.

The process itself is fundamentally informal and the Judicial Board is staffed by students, faculty, University Administration, and the Acadia Students’ Union Administration, none of whom are trained legal experts. Nevertheless, care has been taken to build into it the elements of natural justice while at the same time providing for the relatively speedy resolution of complaints. To this end, specific time limitations and procedures have been established, the option of a pre-hearing settlement rather than going to a full hearing exists, and provision is made for appeals of decisions rendered by the Judicial Board.

All sanctions are imposed either by the Coordinator, Student Community Development through a pre-hearing settlement or by the Judicial Board after it has conducted a full hearing. Sanctions imposed will, as much as possible; reflect the logical consequences of

the student's misbehavior. Although punitive measures may be taken, efforts will also be made to provide for sanctions which will be educative and developmental in nature. Students who are subject to charges placed through the RCMP or other Municipal Police Agencies may also be subject to a hearing under the University's Judicial Process. As well, the University reserves the right to impose sanctions.

A weekly complaint summary will be available to the President or Presidential alternative of the Acadia Students' Union or designate. In addition, copies of decisions will be forwarded to the accused, the complainant, and any other agency or official affected by the decision. Once a student has established a record, it will be kept in a personal judicial file in the Student Services Office until a student either graduates or withdraws from the University. Although these files are confidential, a student can have access to his or her file.

Any faculty or staff member who has been asked for a reference by a student may review the student's judicial file (if it exists). The faculty or staff member requesting such access should make his or her request in writing to the Executive Director, Student Services or designate and will be permitted to review the file at Student Services. The faculty or staff member will not be permitted to make photocopies of anything that is in the file. If the faculty or staff member is not known personally by the Executive Director, Student Services or designate, Acadia University identification will be requested at the time of the visit to the Student Services Office.

Access is defined as being allowed to view all contents of one's judicial file under supervision in the Student Services Office. If a student wishes to photocopy all or part of his or her file, he or she will be permitted to do so and will be charged for the photocopies at the same rate used by the University Library.

The President or Presidential alternative of the Acadia Students' Union or designate, members of the Judicial Board, and Judicial Advisors will also have access to the information in the judicial file(s).

SECTION B

JURISDICTION AND COMPOSITION OF JUDICIAL AGENCIES

The Executive Director, Student Services, or designate has been delegated by the Board of Governors as the individual having jurisdiction regarding matters of student conduct and discipline over all registered students full-time and part-time and all student organizations at Acadia University. This authority has been delegated to the Judicial Board, Disciplinary Appeals Committee, and, in specific cases, to the Coordinator, Student Community Development and other Acadia University staff members representing Student Services.

The jurisdiction of the University Judicial Process includes incidents occurring on the University campus and/or incidents in which one or more of the principal parties is a student of the University. The University Administration reserves the right to determine its jurisdiction on a case-by-case basis.

JUDICIAL BOARD

The Acadia University Judicial Board shall consist of: one Acadia University staff member, three upper-class students appointed by a committee consisting of the President or Presidential alternative of the Acadia Students' Union or designate, and the Executive Director, Student Services or designate, and one Acadia University faculty member jointly appointed by the President or Presidential alternative of the Acadia Students' Union, or designate and the Executive Director, Student Services, or designate.

A quorum for the Judicial Board consists of two students and one staff or faculty member. If the Judicial Board does not achieve quorum at any session, all scheduled case(s) for that session are adjourned until the next regularly scheduled hearing date. The chairperson, who will be a non-voting member (except in the event of a tie vote), shall conduct all hearings as outlined in the Non-Academic Judicial Handbook.

The Judicial Process described herein shall apply during the academic year with the following exceptions:

1. Hearings that would normally be held during the period one week prior to and during fall semester examinations will be held over until the beginning of the winter semester.
2. During the period from one week prior to the beginning of end-of-winter semester examinations to the end of the summer intersession period, the Judicial Board shall consist of one Acadia University staff or faculty member, , and two students. Every effort will be made to avoid postponing cases until September.

The members of the Judicial Board shall, in exercising their jurisdiction, uphold the laws of Canada as defined and set out in the federal, provincial, and municipal legislation and the authority of the Board of Governors of Acadia University and the Acadia University Students' Representative Council.

DISCIPLINARY APPEALS COMMITTEE

The Acadia University Disciplinary Appeals Committee shall consist of: two upper-class students, one Acadia University faculty member, and one Acadia University staff member appointed by a committee consisting of the President or Presidential alternative of the Acadia Students' Union, or designate, and the Executive Director, Student Services or designate. Members of the Disciplinary Appeals Committee may not be members of the Judicial Board for the same case. The Acadia University faculty member or Acadia University staff member should have experience on the Judicial Board or similar tribunal or board prior to appointment to the Disciplinary Appeals Committee. **For the student appointments, preference will be given to students who have had experience on the Judicial Board or similar tribunal or board.** Any member of the Disciplinary Appeals Committee who has been involved as a complainant or accused in a matter being appealed before the Committee shall be ineligible to participate as a member during the appeal.

A quorum for the Disciplinary Appeals Committee consists of any three members of the Committee. If the Disciplinary Appeals Committee does not achieve a quorum at any session, the hearing will be adjourned until a new date is established by the chairperson. The chairperson, who will be the Acadia University faculty member or the Acadia University staff member, will be a non-voting member (except in the event of a tie vote), and shall conduct all hearings as outlined in the Non-Academic Judicial Handbook.

The Appeal Process described herein shall apply during the academic year with the following exceptions:

1. Hearings that would normally be held during the period one week prior to and during fall semester examinations will be held over until the beginning of the winter semester.
2. During the period from one week prior to the beginning of end-of-winter semester examinations to the end of the summer intersession period, the Disciplinary Appeals Committee shall consist of one Acadia University staff or faculty member, and two students. Every effort will be made to avoid postponing cases until September.

The members of the Appeals Committee shall, in exercising their jurisdiction, uphold the laws of Canada as defined and set out in the federal, provincial, and municipal legislation and the authority of the Board of Governors of Acadia University and the Acadia University Students' Representative Council.

DELEGATED AUTHORITY

The Board of Governors has delegated certain specified authority to Professional Staff On-Call, or Senior Resident Assistants acting in their absence as follows. These individuals may:

Refuse entry to the building to non-residents who may reasonably be expected to cause a disturbance.

Remove any non-resident already in the building who becomes intoxicated or otherwise causes a disturbance.

Break up any gathering which exceeds the standards of reasonable behaviour as determined by the residence staff.

Consult with their residence staff and the Coordinator, Student Community Development concerning students who appear to have problems relating to the use of alcohol and/or drugs. If an agreement is reached, the Coordinator, Student Community Development may make a mandatory referral of that student to the Acadia University Student Resource Centre to identify an appropriate treatment centre for an assessment of the student's drinking behaviour and/or drug use and, if necessary, treatment. Refusal by the student to accept the referral to the Student Resource Centre may result in sanctions. Students will be informed at the beginning of the year in house meetings precisely what is involved with the referral process.

Where an individual has become intoxicated (but not belligerent) and is determined by university staff to be incapable for looking after themselves, professional medical intervention will be sought. Medical personnel will assess the condition of the individual and may recommend hospitalization or monitoring by an appropriately trained Student Services Staff member in an appropriate monitoring facility. This service will continue until the individual can look after themselves. A detailed description of the procedures involved is available at the Student Services and the Department of Safety and Security Offices.

Not all matters have been delegated to the Judicial Process. Unless specifically referred to in this Handbook, matters or issues are not covered by such systems. However, the Board of Governors and the Executive Director, Student Services or designate have the authority to deal with any matter in a manner that is outside the limits and procedures of the student judicial process when they deem it appropriate or necessary to do so. Some infractions are also handled by an Administrative Officer of the Students' Union or other Administrative Officers of the University. In all cases, which are handled directly by the Executive Director, Student Services or designate, any other Administrative Officer of the University or an Administrative Officer of the Students' Union, there will be prior consultation with the President or Presidential alternative of the Acadia Students' Union or designate about the process to be used in handling the alleged infraction.

JURISDICTION SUMMARY

As mentioned above, the University has the jurisdiction over the conduct and discipline of its students. The authority exists apart from the initiation or status of civil, criminal, or any other proceeding not involving the University, but concerning the same incident or student(s) in question.

All judicial agencies at Acadia University will not entertain or consider objections to their above-mentioned jurisdiction and authority.

This statement of judicial policies and procedures does not limit the freedom of the University to press criminal charges in cases where this is deemed to be an appropriate course of action.

SECTION C SEQUENCE OF EVENTS AND TIME LIMITS

JUDICIAL BOARD SEQUENCE

COMPLAINT AND HEARING

Any member or agency of the University community (student, faculty, administrator, or employee of Acadia University, as well as an employee of the ASU) may lodge a complaint as provided for under Jurisdiction and Composition of Judicial Agencies. Every complaint shall be made in writing on the prescribed Judicial Incident Report Form, signed by the person making it and filed with Student Services **within sixty (60) days** of the alleged offense (not including allegations of sexual assault, physical assault, verbal abuse/harassment or other similar allegations) or completion of the investigation by agency of the University.

If the complainant is unable to file such a complaint within sixty (60) days they may submit a request for an extension of the filing deadline to the Executive Director, Student Services for consideration and the Executive Director, Student Services will have the sole discretion to permit the requested extension. The decision of the Executive Director, Student Services with respect to whether the requested extension is granted and the length of any such extension is final.

The abovementioned filing deadlines of sixty (60) days do not apply to complaints of sexual assault, physical assault, verbal abuse/harassment or other similar allegations. There is no time limit or filing deadline for complaints of sexual assault, physical assault, verbal abuse/harassment or other similar allegations.

A complaint may be withdrawn by the complainant at any time prior to the commencement of the hearing by the Judicial Board. Once the Judicial Board has begun to hear a complaint, it may not be withdrawn.

Judicial Advisors will be appointed and trained by Acadia University. The Executive Director, Student Services will advise the President or Presidential alternative of the Acadia Students' Union of the nature and scope of the training provided to the Judicial Advisors. The Executive Director, Student Services will consider any request forwarded by the President or Presidential alternative of the Acadia Students' Union related to the training of the Judicial Advisors.

Judicial Advisors will be instructed to provide to their clients a list of Judicial Board members for their cases. If a client feels that there is a conflict of interest, they may request in writing, that a member step aside for that case.

TIME AND PLACE OF HEARING

The Executive Director, Student Services, or designate shall within **fourteen (14) working days** of receiving the complaint inform the accused in writing of the complaint with appropriate documentation. The accused shall also be informed of the time and place of hearing and be invited to meet with the Coordinator, Student Community Development to discuss the option of a pre-hearing settlement. The Executive Director, Student Services, or designate shall forward a weekly complaint summary to the President or Presidential alternative of the Acadia Students' Union or designate. The President or Presidential alternative of the Acadia Students' Union or designate will have access to information in any Judicial File.

Notification of all complaints will be sent to the student's residence, if living on campus, and notification will be sent to their Acadia student email, if the student lives off campus. The Documentation will be considered delivered within 24 hours of the date at the top of the notification letter.

The Executive Director, Student Services, or designate is authorized to place temporary restrictions on those individuals whose cases are pending in the judicial process. Any temporary restrictions imposed by the Executive Director, Student Services, must be rationally connected to the alleged offence and will be designed to avoid future similar offences from being committed by the student. These temporary restrictions will usually, though not always, involve bans from the environment where the alleged offense took place.

PRE-HEARING SETTLEMENT

If the details of the complaint are not seriously in question, the accused may, if inclined, avoid a full hearing by attempting to resolve the matter directly with the Coordinator, Student Community Development, who is responsible for Pre-Hearing Settlements. In cases where a student perceives a conflict of interest they may request the Executive Director, Student Services, or designate conduct the Pre-Hearing Settlement.

Prior to deciding on whether they will attempt to resolve the matter directly with the Coordinator, Student Community Development, the student will be given an opportunity to review the matter with a Judicial Advisor.

As part of any Pre-Hearing Settlement, the Coordinator, Student Community Development will consult with the complainant and/or victim regarding any potential settlement prior to resolving the matter. Although there is a requirement to consult, the consent or agreement of complainant and/or victim is not required for the Coordinator, Student Community Development to resolve the complaint.

In those situations, where one student charges another student with harassment or verbal abuse, the Coordinator, Student Community Development, in consultation with the Executive Director, Student Services, or designate may recommend to each party that this situation be resolved through mediation (the Community Justice Forum being one example) rather than through a formal judicial process. The Coordinator, Student Community Development, would offer their services or the services of a member of the Acadia Students' Union Executive, or another appropriate individual as mediator. If all

parties to the case agree that they wish to use mediation to attempt to resolve the issue, then judicial charges will be deferred, and then cancelled if mediation is successful. If the mediation process is unsuccessful for any reason, the original charge will be resolved through the normal judicial process.

TIME LIMITS REGARDING HEARING

Hearings shall be conducted weekly by the Judicial Board. No more than twelve (12) working days may lapse from the time the accused is informed of the complaint before the case must be heard by the Judicial Board. Exceptions will be made in the case of complaints generated just before fall semester examinations (which will be held over until January), complaints generated close to the end of the winter semester (which may have to be heard during the intersession period), and cases scheduled for Board Hearing Dates that fall on scheduled University Holidays, during fall or winter semester breaks. Hearings may be rescheduled due to university cancellations or closures due to weather conditions

Either the accused or the complainant may request the Executive Director, Student Services, or designate grant a postponement provided sufficient reason is given. In considering a request for a postponement, the Executive Director, Student Services, or designate will attempt to balance fairness and efficiency. The grounds upon which a postponement may be requested and granted include (1) personal reasons such as illness of a party, family member or witness, (2) unavailability of a key witness, (3) disclosure issues, (4) need to obtain legal advice and (5) legal counsel not available.

No postponement will be granted after noon on the day of the hearing. If a postponement is granted, the accused and complainant will be informed, in writing, of the new date and time of the hearing.

FAILURE TO ATTEND HEARING

If the accused person fails or refuses to attend a hearing, the case will be heard in absentia. In the event the complainant fails to request a postponement, or refuses to attend a hearing, the case will be dismissed.

PROCEDURES AT HEARING

The hearing shall be conducted by the chairperson of the Judicial Board. Questions of procedure or any other matters pertaining to the general conduct of the hearing shall be subject to the rule of the chairperson.

In cases of alleged sexual assault or other similar allegations of a sexual nature, at the request of the alleged victim, the Chairperson may require that someone other than the accused cross-examine the alleged victim.

The complainant and the accused person shall both be permitted to testify personally and call witnesses, provided, however, that the complainant's case against the person accused shall be completed prior to the accused person testifying or calling witnesses. In no event, can the accused person be compelled to testify. Upon completion of the above, both the complainant 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. This does not preclude the hearing of charges should the attempt at mediation fail.

ADVISORS

The judicial procedures are informal. Two student Advisors are available to the complainant and accused to assist in discussing complaints, preparing for hearings, and in presenting cases at a hearing. Advisors may be contacted through the Student Services office. Although Advisors are available to help the parties to each case prepare and present their cases, Advisors are not held accountable for the outcome of any particular case. Judicial Advisors are jointly appointed by the President or Presidential alternative of the Acadia Students’ Union, or designate and the Executive Director, Student Services, or designate.

Lawyers are permitted to represent clients at hearings of the Judicial Board, the University Disciplinary Appeals Committee, and at disciplinary hearings before the Board of Governors.

RENDERING A DECISION

Upon completion of the hearing, the Judicial Board must within **two (2) working days** inform the Coordinator, Student Community Development of the decision and, if necessary, the sanctions which have been imposed. The accused must then be informed in writing of the decision in the case and of the right to appeal.

APPEALS COMMITTEE SEQUENCE

RIGHT TO APPEAL

It shall be the responsibility of the Executive Director, Student Services, or designate to inform the defendant and complainant in writing of the right to appeal and refer them to this section of the Handbook.

GROUND FOR APPEAL

An appeal can be lodged with the University Disciplinary Appeals Committee upon the following grounds:

1. That there have been new developments in the case or new evidence has come to light after the original hearing (The appellant is required to show good reasons why new evidence or other developments could not have been presented at the prior hearing. In addition, the appellant is required to use the new evidence or discuss the other developments in the rehearing of the case and is required to show how the new evidence or new developments would have made a difference in the result of the original hearing.). If an appeal is upheld on this ground, the University Disciplinary Appeals Committee shall rehear the case immediately.

That in the view of either the accused or complainant 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, prehearing,

- 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.
3. That in the opinion of the accused or complainant the sanction(s) handed down in the prior hearing are disproportionate to the severity of the offense(s). Minimum sanctions cannot be classified as disproportionate. An appeal under this section pre-supposes that the accused acknowledges 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 Appeals Committee will only change the penalty if it feels that it was disproportionate to the offense.

DISPOSITION OF SANCTION(S) BEING APPEALED

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

NOTICE OF APPEAL

If either the complainant or the accused person feels that grounds for an appeal exist, they may appeal to the University Disciplinary Appeals Committee by filing a written notice of appeal to the Chairperson of the University Disciplinary Appeals Committee, with copies to the Executive Director Student Services, or designate and the President or Presidential alternative of the Acadia Students' Union or designate, stating the ground(s) for appeal, within **five (5) working days** of receipt of written notification of the Judicial Board. Only one written request for appeal will be accepted for any particular case. The appellant should include in that request all the reasons why they feel that an appeal should be heard in their case. Unless a request for an appeal falls clearly under one or more grounds for an appeal, the President or Presidential alternative of the Acadia Students' Union, or designate, and the Executive Director, Student Services, or designate, will jointly decide whether there are sufficient grounds for an appeal hearing to be convened to consider the appeal request. In the event that they are unable to agree whether there are sufficient grounds for an appeal hearing to be convened then it will be deemed that insufficient grounds exist and no appeal will be granted.

TIME LIMITS REGARDING HEARING

The Chairperson of the University Disciplinary Appeals Committee shall set a time and place for the hearing of any appeal, which is to be completed within **fourteen (14) working days** of the Notice of Appeal. The Chairperson shall inform the complainant, accused person, and the Executive Director, Student Services, or designate, of the time and place for the hearing and advise them to bring any witnesses and/or information they deem pertinent.

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.

HEARING PROCEDURE

The University Disciplinary Appeals Committee shall function under the guidelines established on pages 24, 25 and 26 in this Handbook.

RENDERING A DECISION

The decision of the University Disciplinary Appeals Committee shall be determined by a majority vote of the Committee within **two (2) working days** of the completion of the hearing. The decision shall be made known to all interested parties. Decisions of the University Disciplinary Appeals Committee are final and no further appeals are possible except in the case of decisions to dismiss or expel which may be appealed to the Board of Governors.

APPEAL TO THE BOARD OF GOVERNORS

Any further appeals should be directed by the appellant to the Secretary of the Board of Governors within **five (5) working days** of receipt of the decision of the University Disciplinary Appeals Committee. The Board of Governors' decision will be final and binding upon all parties concerned and be made known in writing to all parties concerned.

SECTION D

OFFENSE AND SANCTIONS

OFFENSE CATEGORIES

1. Misuse of ID, Refusing to Show ID, Falsifying ID Information, Fake Ticket or Admission Stamp

Anyone who obtains or conspires to obtain a false Identification Card or who produces false identification or false entrance ticket or stamp, or who provides or conspires to provide a false Identification Card or false identification or false entrance ticket or stamp may be guilty of an offense.

Anyone who refuses to produce identification upon request by a properly identified Campus Patrol Officer, Security Officer, University Official, Senior Resident Assistant, Resident Assistant, Students' Union Official or employee, or any other University employee in the performance of their duties may be guilty of an offense.

2. Violation of Alcohol Policies

Anyone on the campus that is under the age of 19 in the province of Nova Scotia is not permitted to consume alcohol. If the aforementioned are found consuming alcohol, found to have consumed alcohol, are found with alcohol on their person, in their possession, or in their residence room, they may be guilty of an offense.

Anyone on the campus who has open liquor in a prohibited area, overindulges or is found intoxicated may be guilty of an offense.

This category includes, but is not limited to, the following offenses:

- Open Alcohol in a Prohibited Area
- Overindulgence/Intoxication
- Underage Drinking
- Other Alcohol Violations, including Violations of Residence/Building Alcohol Policies and Acadia University Licensed Facilities Policies.
- Underage Possession of Alcohol

3. Physical Violence against Persons

Anyone who actually or threatens to physically assault, strike, grab, push or threaten with a weapon a Campus Patrol Officer, Security Officer, University Official, Senior Resident Assistant, Resident Assistant, Students' Union Official, University employee or contract employee performing his or her duty or any other member of the University community may be guilty of an offense.

Anyone who encourages, or engages in any form of assault, violence or threats to any person on the University campus, or on any other member of the University community off campus may be guilty of an offense.

Any student who sexually assaults or threatens sexual assault on any person on the University campus, or on any other member of the University community off campus may be guilty of an offense.

- (a) **Assault:** The act of physically touching or striking another person against that person's will.
- (b) **Physical Abuse:** The definition of assault provided should not limit the flexibility of the Executive Director, Student Services or designate or the Coordinator, Student Community Development in making a judgment about which charge best applies to a particular situation. This definition should also not be interpreted in such a way as to limit the flexibility of the Judicial Board to find a person guilty of "Physical Abuse" (as a lesser charge) if a person had been originally charged with "Assault". In short, the Judicial Board should be able to use its judgment and should be able to decide that if the person is not guilty of assault, they may still be guilty of physical abuse.

Verbal provocation may not be considered by the Judicial Board in determining the innocence or guilt of an individual charged with physical abuse or assault. However, it may be taken into account by the Judicial Board in imposing a penalty on an individual who has been found guilty of physical abuse.

4. **Sexual Assault**

Sexual assault is any form of sexual contact that occurs without ongoing and freely given consent. Sexual assault includes *any* form of sexual contact where consent has not been given (ranging from non-consensual touching that is sexual in nature to forced vaginal or anal penetration).

- The *Criminal Code* (s. 265(1)) explains that a person commits assault when without the consent of another person, he applies force intentionally to that other person, directly or indirectly;
he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or cause that other person to believe on reasonable grounds that he has, present ability to effect his purpose; or
while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs

5. **Sexual Cyber-bullying**

Sexual Cyber-bullying is an electronic communication of a sexual nature, direct or indirect, that causes or is likely to cause harm to another individual's health or well-being where the person responsible for the communication maliciously intended to cause harm to another individual's health or well-being or was reckless with regard to the risk of harm to another individual's health or well-being.

6. **Disruptive Behaviour / Disorderly Conduct / Indecent Conduct**

Anyone who causes a disturbance or behaves in a disorderly or indecent manner on campus may be guilty of an offense.

Anyone who purposely makes a false 911 call from University property may be guilty of an offense.

7. Endangering the Safety of Others

Anyone who acts in a manner that would endanger the health and/or safety of any member of the University community may be guilty of an offense.

Anyone who sets off a false fire alarm may be guilty of an offense.

Anyone who does not leave a building where a fire alarm has been sounded, or who does not obey directions from officials investigating a fire alarm may be guilty of an offense.

Anyone who removes a window screen or drops objects from an open window may be guilty of an offense.

8. Failure to Comply with Requests of Staff

Anyone who refuses to comply with the request of a Campus Patrol Officer, Security Officer, University Official, Senior Resident Assistant, Resident Assistant, Students' Union Official, University employee or contract employee performing his or her duty may be guilty of an offense.

Any student who, without following the prescribed appeals procedure ignores or refuses to comply with any sanction agreed to during a Pre-Hearing Settlement meeting, Discipline or Appeals Committees hearing may be guilty of an offense.

9. General Mischief

Anyone who engages in wrong-doing or acts to cause annoyance or damage on the campus may be guilty of an offense.

10. Vandalism

Anyone who engages in, or encourages the destruction, damage or defacing of University property or the property of another member of the University community, may be guilty of an offense.

11. Verbal Abuse / Harassment

Anyone who threatens or harasses, on or off campus, a Campus Patrol Officer, Security Officer, University Official, Senior Resident Assistant, Resident Assistant, Students' Union Official, University employee, or contract employee while performing their duty or as a result of performing their duty or any other member of the University community may be guilty of an offense.

Anyone who, during their interactions with a Security Officer, Campus Patrol Officer, University Official, Senior Resident Assistant, Resident Assistant, Students' Union Official, University employees or contract employee, or any other member of the University community uses abusive, obscene, homophobic, sexist, racist or otherwise derogatory language or gestures may be guilty of an offense.

12. Theft

Anyone who steals, attempts to steal, or encourages theft from the university or member of the university community may be guilty of an offense.

13. Violations of Access to Residence/Building Policy

Anyone who violates the access to residence policies, including but not limited to; any unauthorized entry or exit through interior and exterior residence doors; any unauthorized entry or exit through emergency doors; any unauthorized entry or exit through a window or other opening; any tampering with security cameras, exit doors or exit alarms; permitting entrance through a residence door to any person unknown to the person permitting access; and/or improper accounting for and/or supervision of guests in residence according to residence policies may be guilty of an offence.

This category includes but is not limited to, the following offenses:

- Any unauthorized entry to or exit from student rooms including any unauthorized entry to or exit from residence suites
- Any unauthorized entrance or exit through residence doors including emergency exit doors
- Any tampering with University residence security cameras, exit doors, or exit alarms
- Permitting entrance through any residence door to any individual unknown to the person permitting access
- Improper accounting for and supervision of guests in residence in accordance with residence policies

14. Violation of University Policy

Anyone who contravenes University Policies may be guilty of an offence. This category can include, but is not limited to, the following offences:

Violation of Substance Policy

- Use of banned substances
- Possession of banned substances
- Underage Use and Possession of controlled substances

Violation of University Computing Policy

Violation of any other University Policies

SANCTIONS

TYPES

Before imposing sanctions, the Judicial Board shall make reference to the disciplinary records maintained by Student Services. The Judicial Board and the Coordinator, Student Community Development, in cases of pre-hearing settlements, shall have the authority to levy any of the following sanctions:

1. To suspend the imposition of any penalty upon the accused persons conditionally or otherwise.
2. To order restitution to Acadia University or to any person or organization offended.
3. To impose fines, no fine to exceed \$300. All fines are payable to Acadia University.
4. To ban students from events or certain areas of the campus. All bans shall take effect from the date of the sanction.
5. To place a student on disciplinary probation. Disciplinary probation means that further involvement by a student in an incident requiring disciplinary action will result in further sanctions being imposed up to and including dismissal from residence and/or the University as deemed appropriate.
6. To recommend to the Executive Director, Student Services, or designate and Vice President Recruitment and Student Services,, that a student be suspended or dismissed from the University-sponsored group or organization to which he or she belongs. This could include varsity athletic, club, recreation and intramural activities.
7. To recommend to the Executive Director, Student Services, or designate and Vice President Recruitment and Student Services, that a student be dismissed from the University. Dismissal means that the student must leave the University for the balance of the academic year. Although this may result in the loss of academic credit, the student shall not be further penalized academically and may return to the University at the beginning of the next academic year.
8. To recommend to the Executive Director, Student Services, or designate, and Vice President Recruitment and Student Services, that a student be expelled. Expulsion means that the student must leave the University immediately and may not return except with prior approval of the Board of Governors.
9. To substitute (in whole or in part) community service penalties for fines in those situations where offenses require the imposition of fines, or to include community service penalties as a condition of the imposition of Disciplinary Probation. The service must be performed in the area where the offense occurred.
10. Failure to complete required community service penalties in #9 above will result in the immediate imposition of a fine (which can be anything up to an amount equal to triple the normal minimum amount) or charges under the provision of “Failure to Comply with Sanctions(s) and/or Restrictions” at the discretion of the Coordinator, Student Community Development and after consultation with the President or Presidential alternative of the Acadia Students’ Union or designate.
11. To levy any other sanction(s) as deemed appropriate within the constraints of Jurisdiction and Composition of Judicial Agencies.

As a basic principle, repeat offenders will not be given defined or generally accepted minimum sanctions. The severity of sanctions will depend on the number and severity of prior offenses. Repeat offenders are defined as any individuals who have a record of two or more offenses of any kind.

GUIDELINES

Fines range from a minimum of \$25.00 to a maximum of \$300.00 for each offense.

1. **Vandalism**
Sanctions will always include restitution and, in addition, may result in a fine, a ban from the place where the offense was committed, dismissal from residence, or dismissal from the University.
2. **I.D. Misuse, Refusing to Show ID, Falsifying ID Information, Fake Ticket or Admission Stamp**
Sanctions will result in the minimum penalty of a fine and may include a ban from the place where the offense was committed.
3. **Alcohol Related Infractions**
Sanctions will result in the minimum penalty of a fine.
4. **Policy Related Infractions**
The minimum penalty for this offense shall be a fine. The maximum penalty would be dismissal from the University.
5. **Behaviour Related Infractions**
The range of penalty for this offense shall be the minimum of a fine to a maximum of dismissal from the University.
6. **Physical Violence Against Persons -
Physical Abuse/Assault/Sexual Assault:**
Penalties range from a fine to dismissal from the University to expulsion from University plus a possible ban from the environment where the offense occurred. For the first offense, the minimum penalty is a fine plus disciplinary probation. For the second distinct offense, a minimum penalty of dismissal from the University effective immediately on a finding of guilt and for the balance of the academic year. Penalties will be imposed on those found guilty through the University's judicial process and/or through the courts.
7. **Disruptive Behaviour / Disorderly Conduct / Indecent Conduct / Sexual Cyberbullying**
Penalties range from a fine or disciplinary probation to expulsion or dismissal from the University.
8. **Failure to Comply with Requests of Staff**
The minimum penalty shall be a fine plus a possible ban from the environment where the offense occurred.
9. **Theft**
The minimum penalty shall be restitution, plus a fine, plus a possible ban from the environment where the offense occurred.
10. **Violation of University Policy**
Anyone who contravenes University Policies may be guilty of an offence. This category can include, but is not limited to, the following offences:
Violation of Substance Policy

Fine, or disciplinary probation plus whatever other sanctions are deemed appropriate.

Violation of Harassment & Discrimination Policy

Fine, or disciplinary probation plus whatever other sanctions are deemed appropriate.

Violation of University Computing Policy

Fine, or disciplinary probation plus whatever other sanctions are deemed appropriate

Any other University Policies

Fine, or disciplinary probation plus whatever other sanctions are deemed appropriate

FAILURE TO COMPLY WITH SANCTIONS(S) AND/OR RESTRICTIONS

If the accused fails to comply with the sanctions and/or restrictions imposed through the judicial process or by an administrative officer of the University or Acadia Students' Union for disciplinary infractions, the Executive Director, Student Services, or designate may recommend any sanction up to and including dismissal or expulsion of the student from Acadia University to the University Disciplinary Appeals Committee for hearing and determination by that Committee.

SECTION E

SEQUENCE SUMMARIES

COMPLAINT RESOLUTION SEQUENCE

1. Report is filed – may come from Student Services Staff, Department of Safety and Security Staff, Acadia Students' Union Staff, or individual members of the Acadia community.
2. Report is given to the Coordinator, Student Community Development for action.
3. A Judicial Board hearing date is set along with a pre-hearing settlement date.
4. A letter of complaint is sent to the accused.
5. If a pre-hearing settlement is reached, the settlement is confirmed in writing to the accused by the Coordinator, Student Community Development.
6. If the case is to go before the Board, the Advisors are notified of the case and given the relevant information by the Coordinator, Student Community Development, who also lets Board members know if there is a hearing.
7. After the completion of the hearing, the Judicial Board indicates the outcome of the case to the Coordinator, Student Community Development.
8. The written decision is sent to the accused.
9. If the accused or complainant decides to appeal the decision, an appeal is sent to the Chairperson of the Appeals Committee, with a copy to the Executive Director, Student Services or designate and the President or Presidential alternative of the Acadia Students' Union or designate.
10. Members of the University Disciplinary Appeals Committee are contacted by the Coordinator, Student Community Development indicating there is a case pending. A date for the appeal hearing is set and all involved parties are informed by the Coordinator, Student Community Development.

JUDICIAL HEARING SEQUENCE

1. Judicial Board members are introduced as are the Advisors, the accused, complainant, and all witnesses.
2. The Chairperson asks if anyone in the gallery would, at this time, like to be a witness for either party. The Chairperson will then instruct all new witnesses to sit at the table with their parties.
3. The Chairperson reminds all present that no new information or evidence may be brought up during the summaries.
4. The accused is asked whether the case is a question of innocence or guilt or whether it is a question of being unable to agree on a sanction with the Coordinator, Student Community Development. *(If it is a case of sanctions skip to #14) *
5. The complainant (and/or their Advisor) presents an opening statement, which may include statements (verbal and/or written) from witnesses.
6. The accused (and/or their Advisor) presents an opening statement, which may include statements (verbal and/or written) from witnesses.
7. Board members may question both the accused and the complainant and their witnesses.

8. The complainant (and/or their Advisor) has an opportunity to ask questions of the accused person and their witnesses. (Included in this step is an opportunity for the complainant's Advisor to ask questions of the complainant and their witnesses.)
9. The accused person (and/or their Advisor) has an opportunity to ask questions of the complainant and their witnesses. (Included in this step is an opportunity for the accused's Advisor to ask questions of the accused and their witnesses.)
10. The Board may question the accused person, complainant, and any witnesses again.
11. The complainant (and/or their Advisor) provides a summation.
12. The accused (and/or their Advisor) provides a summation.
13. In cases where it is a question of innocence or guilt, the Chairperson will ask all those present to leave and then will follow this sequence:
 - (a) The Board will determine innocence or guilt.
 - (b) All parties will be called back in and told what the decision is (innocence or guilt only) and the reasons for the decision.
- *14. In cases where only sanctions are in dispute: The Chairperson will ask for opening statements, followed by a question period.
As the accused, has acknowledged guilt, the Chairperson will:
 - (I) Ask the complainant if they wish to recommend a penalty;
 - (ii) Ask the accused if they have anything to say about what the penalty should be;
 - (iii) Request the file(s) of the accused person(s) from their Advisor;
 - (iv) Request that all parties leave.
 - (v) The Board will then determine sanctions.
 - (vi) All parties will be called back in and told what the sanctions are and the reasons for them.
15. The Chairperson of the Judicial Board will submit the written case summary to the Coordinator, Student Community Development. This summary shall include:
 - (a) The key points in the testimony of the accused and complainant;
 - (b) A list of witnesses and the key points of their testimony;
 - (c) How much weight was given to each piece of evidence;
 - (d) The decision:
 - (I) Innocent or guilty;
 - (ii) If guilty, the sanction(s) and reasons for it (them).
16. The complete decision, with reasons, will be communicated to the accused and all affected parties in writing.

APPEAL HEARING SEQUENCE

Ground #1 (New Evidence or Developments)

1. Appeals Committee members are introduced as are all the parties to the case.
2. The appellant (and/or their Advisor or lawyer) provides an opening statement to indicate why new evidence or other developments could not have been presented at the original hearing. This may include statements (verbal and written) from witnesses.
3. The other party to the original case (and/or their Advisor or lawyer) either presents an opening statement or rebuts the opening statement of the appellant. This may include statements (verbal and written) from witnesses.
4. Appeals Committee members may question both parties to the case.
5. The appellant (and/or their Advisor or lawyer) has an opportunity to ask questions of the other party to the original case and his or her witnesses. (Included in this step is an opportunity for the appellant's Advisor or lawyer to ask questions of the appellant and his or her witnesses.)
6. The other party to the original case (and/or their Advisor or lawyer) has an opportunity to ask questions of the appellant and their witnesses. (Included in this step is an opportunity for the Advisor or lawyer of the other party to the original case to ask questions of their client and witnesses.)
7. The Appeals Committee may wish to question either or both parties to the case again.
8. The appellant (and/or their Advisor or lawyer) provides a summation.
9. The other party to the original case (and/or their Advisor or lawyer) provides a summation.
10. All parties are dismissed at this point.
11. If the Appeals Committee decides that the appellant should be allowed to present new evidence or explain new developments, then it will schedule a hearing to rehear the case.
12. If the Appeals Committee decides that there are not sufficient grounds to introduce new evidence or explain other developments not presented at the original hearing, then it will dismiss the appeal.
13. All parties to the case will be notified in writing only.

Ground #2 (Case was Prejudiced)

1. Appeals Committee members are introduced as are all the parties to the case.
2. The appellant (and/or their Advisor or lawyer) provides an opening statement, which may include statements (verbal and/or written) from witnesses.
3. The Chairperson of the Judicial Board or the Executive Director, Student Services, or designate (and/or their Advisor or lawyer) presents an opening statement, which may include statements (verbal and/or written) from witnesses.
4. Appeals Committee members may question both the appellant and the Judicial Board Chairperson (or Executive Director, Student Services or designate, as appropriate).
5. The appellant (and/or their Advisor or lawyer) has an opportunity to ask questions of the Judicial Board Chairperson (or Executive Director, Student Services, or designate, as appropriate). (Included in this step is an opportunity for the

- appellant's Advisor or lawyer to ask questions of the appellant and their witnesses.)
6. The Judicial Board Chairperson (or Executive Director, Student Services or designate, as appropriate) (and/or their Advisor or lawyer) has an opportunity to ask questions of the appellant and their witnesses. Included in this step is an opportunity for the Advisor or lawyer of the Chairperson of the Judicial Board (or Executive Director, Student Services or designate, as appropriate) to ask questions of their client.
 7. The Appeals Committee may question both parties to the case again.
 8. The appellant (and/or their Advisor or lawyer) provides a summation.
 9. The Judicial Board Chairperson (or Executive Director, Student Services or designate, as appropriate) (and/or their Advisor or lawyer) provides a summation.
 10. All parties are dismissed at this point.
 11. If the Appeals Committee decides that the case was prejudiced because of improper conduct by one or more Judicial Board members or because the procedures outlined for the judicial process had not been properly followed, it will schedule a hearing to rehear the case using the procedures outlined for judicial hearings.
 12. If the Appeals Committee decides that the procedures used in the original hearing were properly followed, and/or that there was no improper conduct by members of the Judicial Board, then the appeal is dismissed forthwith.
 13. All parties to the case will be notified in writing only.

Ground #3 [Sanction(s) not Appropriate for the Offense(s)]

1. Appeals Committee members are introduced as are all the parties to the case.
2. The appellant (and/or their Advisor or lawyer) provides an opening statement, which may include statements (verbal and/or written) from witnesses.
3. The Chairperson of the Judicial Board (and/or their Advisor or lawyer) presents an opening statement, which may include statements (verbal and/or written) from witnesses.
4. Appeals Committee members may question both the appellant and the Judicial Board Chairperson.
5. The appellant (and/or their Advisor or lawyer) has an opportunity to ask questions of the Judicial Board Chairperson. (Included in this step is an opportunity for the appellant's Advisor or lawyer to ask questions of the appellant.)
6. The Judicial Board Chairperson (and/or their Advisor or lawyer) has an opportunity to ask questions of the appellant. (Included in this step is an opportunity for the Judicial Board Chairperson's Advisor or lawyer to ask questions of the Judicial Board Chairperson.)
7. The Appeals Committee may question both the appellant and the Judicial Board Chairperson again.
8. The other party from the original case may make a statement.
9. The appellant (and/or their Advisor or lawyer) provides a summation.
10. The Judicial Board Chairperson (and/or their Advisor or lawyer) provides a summation.
11. All parties are dismissed at this point.

12. If the Appeals Committee decides that the original sanction(s) was(were) disproportionate to the severity of the offense(s), it will substitute sanctions it deems fair.
NOTE: Sanctions may only be changed if they are disproportionate to the severity of the offense(s), not because the Committee would have preferred other sanctions.
13. If the Appeals Committee decides that the original sanction(s) was (were) appropriate to the severity of the offense(s), the appeal is dismissed.
14. All parties to the case will be notified in writing only.

SECTION F

EXPECTATIONS AND RESPONSIBILITIES OF BOARD MEMBERS, ADVISORS AND APPEALS COMMITTEE MEMBERS

EXPECTATIONS

1. Board members, Appeals Committee members, and Judicial Advisors must role model appropriate behaviour. Judicial Board members, Advisors, or Appeals Committee members who engage in inappropriate behaviour may be removed from their positions.
2. Information regarding any student's disciplinary status is not to be discussed outside the Judicial Board or Appeals Committee hearing.
3. When questioning the accused, Judicial Board members and Appeals Committee members should refrain from making statements which indicate that they have jumped to a premature conclusion in the case.
4. Judicial Board and Appeals Committee members should only pass notes during a hearing if absolutely necessary and they should attempt to keep whispering back and forth to an absolute minimum. These activities create uneasiness on the part of the other parties present who deserve the same courtesy and attentiveness that the Board and Committee expect of them.
5. In most cases, the Judicial Board and Appeals Committee should attempt to reach a consensus decision. If this is not possible, the decision is carried by majority vote and vote of each committee member is confidential. The voted decision, however, is presented as the decision of the entire Board or Committee. (Dissenting members may make their views known on the final report, but not in public.)
6. All decisions of the Judicial Board or Appeals Committee must be upheld by all members of the Board or Committee even though there may be dissenting opinions.
7. In cases where the accused is found guilty, the application of sanctions is to be guided by the "Guidelines for Sanctions" which appears in Section D of this Handbook. Judicial Board and Appeals Committee members should also be guided by the statement on **treatment of repeat offenders** which is also included in the same section of this Handbook.
8. During every judicial case, students and other members of the University community are forming an opinion of the Judicial Board and/or the Appeals Committee and consequently of the judicial process as a whole.
9. **BE PROFESSIONAL AT ALL TIMES.**

RESPONSIBILITIES

JUDICIAL BOARD MEMBERS

1. Hear disciplinary cases along with other Board members once a week.
2. Present information sessions on the Non-Academic Judicial process for the community.
3. Together with other Board members reach decisions in each judicial case.
4. May be required to attend Appeals Committee meetings, especially for cases involving appeals on grounds #2 and #3.
5. Participate in an orientation program for Judicial Board members, Judicial Advisors, and Appeals Committee members.
6. Meet periodically with the Executive Director, Student Services or designate, Coordinator, Student Community Development and/or President or Presidential alternative of the Acadia Students' Union or designate to discuss issues and concerns.
7. Provide suggestions to the Executive Director, Student Services or designate and/or President or Presidential alternative of the Acadia Students' Union or designate for improvements to the judicial process.

JUDICIAL ADVISORS

1. Meet with the Coordinator, Student Community Development.
2. Meet with clients to determine their needs in each judicial case.
3. Discuss cases with clients and help them prepare these cases.
4. Present cases at Judicial Board or Appeals Committee hearings.
5. Responsibilities will require attendance at all Judicial Board and Appeals Committee hearings.
6. Responsibilities may alternate between that of Advisor for the Complainant and Advisor for the Accused.
7. The Judicial Advisor is not expected to lie for clients or attempt to deliberately deceive the Judicial Board or Appeals Committee no matter what the client may wish. If a client insists on this approach, an Advisor has the right to refuse the case.
8. Participate in an orientation program of Judicial Board members, Judicial Advisors, and Appeals Committee members.
9. Meet periodically with the Executive Director, Student Services, or designate, Coordinator, Student Community Development and/or President or Presidential alternative of the Acadia Students' Union, or designate to discuss issues and concerns.
10. Provide suggestions to the Executive Director, Student Services or designate and/or the President or Presidential alternative of the Acadia Students' Union or designate for improvements to the judicial process.

DISCIPLINARY APPEALS COMMITTEE MEMBERS

1. Hear cases on an as-need basis.
2. Render decisions along with other Appeals Committee members in cases brought before the Appeals Committee.
3. Participate in an orientation program for Judicial Board members, Judicial Advisors, and Appeals Committee members.
4. Meet periodically with the Executive Director, Student Services, or designate, Coordinator, Student Community Development and/or the President or Presidential alternative of the Acadia Students' Union, or designate to discuss issues and concerns.
5. Provide suggestions to the Executive Director, Student Services, or designate and/or the President or Presidential alternative of the Acadia Students' Union, or designate for improvements to the judicial process.