



University of King's College  
Yellow Book

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# UNIVERSITY OF KING'S COLLEGE CODE OF CONDUCT

## COMMENTARY

1. The University of King's College is a community of faculty, staff and students, involved in teaching, research, learning and other activities. All are required to abide this *Code of Conduct*. Similarly, family members who reside on campus with resident employees, such as the President, and guests of all members of the University are expected to abide by the *Code of Conduct*.
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 both students and employees as adults free to organize their own personal lives, behaviour and associations, subject only to the law and 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 the public; the freedom of members of the University to participate reasonably in programmes of the University and in activities on the University's premises; and the property of the University or its members. Strict regulation of such activities by the University of King's College is neither necessary nor appropriate.
3. University members are not-immune from the criminal and civil law. 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 in accordance with the appropriate criminal or civil law. In cases in which criminal or civil proceedings have not been taken or would not adequately protect the University's interests and responsibilities as defined below, proceedings may be brought under the *Code of Conduct*.
4. The University defines standards of behaviour and makes provision 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 of Conduct* shall be construed in such a way as to limit or hinder normal and accepted academic freedom, expression, or practices, including professional journalistic practice as set forth in the Journalism Ethics Policy (Appendix A, University of King's College Research Ethics Policy).

## A. DEFINITIONS

1. In this Code of Conduct, 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, whether on or off-campus.
2. In this Code of Conduct, “student” means a person:
  - a. engaged in any academic work or placement which leads to the recording and/or issuing of a mark, grade or statement of performance by the appropriate authority in the University or another institution; and/or
  - b. 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 the University assets and facilities, such as the library, library materials, library resources, computer facility, dataset, classrooms, residential areas and dining halls.
3. In this Code of Conduct, “employee” means a person employed by the University on a full or part-time basis.
4. In this Code of Conduct, “threaten” refers to 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.
5. In this Code of Conduct, “harassment” refers to conduct or comments, however expressed, which are intimidating, threatening, demeaning, or abusive whether or not accompanied by direct or implied threats to grade(s), status, or job.
6. In this Code of Conduct, “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 is prohibited under this Code of Conduct.
8. Nothing in this Code of Conduct shall be construed to prohibit peaceful assemblies and demonstrations, lawful picketing or the legitimate exercise of labour rights, or to inhibit freedom of speech.

## **B. OFFENCES**

1. This Section B sets forth conduct deemed an offence under this *Code of Conduct*, when committed by a student or employee of the University, provided that such conduct:
  - a. occurs on the premises of University of King’s College or elsewhere in the course of activities sponsored by University of King’s College or by any of its schools or programmes;
  - b. is not specifically assigned by the Board of Governors to another disciplinary body within the University;
  - c. is not subject to action pursuant to the disciplinary authority of the King’s Students’ Union;
  - d. is not subject to action under the *College Regulations*;

- e. is not subject to action under the *Residence Guidelines* unless some non-residence University interests are deemed to be involved, in which case the President may specifically authorize proceedings under this *Code of Conduct*;
- f. is not subject to action under the *Wardroom Code of Conduct* unless some non-Wardroom University interests are deemed to be involved, in which case the President may specifically authorize proceedings under this *Code of Conduct*.

## 2. Offences against Persons

- a. No student or employee shall assault another person sexually, or threaten any other person with sexual assault or commit an act of sexual harassment toward another person.
- b. No student or employee shall otherwise assault another person, threaten any other person with bodily harm, or cause any other person to be reasonably fearful of bodily harm.
- c. No student or employee shall create a condition that unnecessarily endangers the health or safety of other persons.
- d. No student or employee shall threaten any other person with damage to or loss of such person's property, or cause any other person to be reasonably fearful of damage to or loss of her or his property.
- e. No student or employee shall engage in a course of vexatious conduct, harassment or discrimination that is directed at one or more specific persons among those with whom he or she associates.
- f. No student or employee shall engage in unwelcome or persistent conduct that the student or employee knows, or ought reasonably to know, would constitute harassment. Examples of such conduct include, but are not limited to:
  - i. following another person, or anyone known to that person;
  - ii. unwanted communication with another person or anyone known to that person;
  - iii. watching the residence or place of work of another person or anyone known to that person;
  - iv. threatening another person or any member of the family, friends or colleagues of the other person;
  - v. coercing, enticing or inciting a person to commit an act that is humiliating or demeaning to that other person or to others.

## 3. Disruption, etc.

No student or employee shall, by action, threat or otherwise, disrupt, obstruct or adversely affect any activity organized by the University of King's College or by its schools or programmes, or the right of other persons to carry on their legitimate activities, to speak or to associate with others.

## 4. Offences Involving Property

- a. No student or employee shall take without authorization, misuse, destroy, deface or damage the property of the University, or property that is not her or his own, or information or intellectual property belonging to the University or to any of its members.
- b. No student or employee shall possess the property of the University, property in the custody of the University, or property that is not her or his own if he or she knows that property to have been taken without authorization.

- c. No student or employee shall create a condition that unnecessarily endangers or threatens the loss or damage to property of the University or of any of its members.

5. Unauthorized Use of University Facilities, Equipment or Services

- a. No student or employee shall inappropriately or without authorization (express or implied) use any facility, equipment or service of the University.
- b. No student or employee shall enter or remain on any premises, to which he or she does not have legitimate access.
- c. No student or employee shall use any University computing equipment, facility, network or system for any disruptive or unauthorized purpose, or in a manner that violates any law, or the University's regulations, policies and procedures.

Examples of inappropriate use of computer equipment, facilities, networks and systems may include, but are not limited to:

- i. copying, removing or distributing software and/or data without authorization;
  - ii. using another person's account, or misrepresenting themselves as another user;
  - iii. disclosing confidential passwords, access codes, etc., assigned to themselves or others;
  - iv. interfering with the work of others using computing equipment, facilities, networks, systems or accounts;
  - v. displaying, transmitting, distributing or making available information that is discriminatory, obscene, abusive, derogatory, or harassing;
  - vi. breaching terms and conditions of software licensing agreements;
  - vii. interfering with the normal operation of computing equipment, facilities, networks or systems by, among other things, flooding the network with messages, sending chain letters or pyramid solicitations;
  - viii. using the University's computing equipment, facilities, networks and systems for profit or commercial gain.
- d. No student or employee shall destroy, misplace, misfile, or render inoperable any stored information within the University such as books, film, data files or programs from a library, computer or other information storage, processing or retrieval system.

6. Aiding in the Commission of an Offence

No student or employee shall encourage or aid another student or employee in the commission of an offence defined in this *Code of Conduct*, or encourage or aid behaviour by a non-student or non-employee which, if committed by a student or employee, would be an offence under this *Code of Conduct*.

7. Alcohol and Drug Use

No student or employee shall contravene the *Liquor Control Act* of Nova Scotia or the *Controlled Drug and Substance Act* of Canada.

8. 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.
  - c. No student or employee shall knowingly furnish false information to any person regarding his or her standing, status or academic record at University of King's College.
9. 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.

10. Contravention of College Regulations

When a rule, regulation or policy of the University prohibits or requires certain conduct but does not provide any penalty for breaches of the rule, regulation or policy, breaches shall be dealt with under this *Code of Conduct*.

11. Other

- a. 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 University-approved events or activities.
- b. No one shall violate the rules of confidentiality of any University committee or other body.

## **C. STRUCTURE OF RESPONSIBILITY FOR THE REGULATION OF CONDUCT**

As members of a community, all students and employees of the University have a responsibility to ensure good conduct within its premises. The actual exercise of sanctions is ultimately that of the Board of Governors, who delegate that duty to the Board of Appeal and Discipline and to the President and her or his delegates. The President and her or his delegates (the Bursar and Security staff for campus security and the Dean of Students with the dons and Patrol for the general regulation of residence and student life) take immediate responsibility for day-to-day discipline on campus. Appeals from disciplinary decisions or requests for further disciplinary action shall be referred to the Board of Appeal and Discipline which has the responsibility to deal with such referrals following the procedures outlined in a) Section G of this *Code of Conduct* and b) the University's By Laws, Rules, and Regulations, as stated in Part VII, Appeals and Discipline of the *Yellow Book*.

## **D. COLLEGE REGULATIONS**

The University will have in place a set of "College Regulations" which outline in detail particular campus behaviours that are expected of students and employees. The *College Regulations* do not take precedence over the *Code of Conduct*, but are an application of the *Code of Conduct* to the particularities of life on campus. Those individuals found in violation of these Regulations will be held accountable under Section E of this *Code of Conduct*.



## E. PENALTIES

1. Students or employees who commit an offence under this *Code of Conduct* shall be liable to the penalties set out in this Section E. Penalties may be applied by the President of the University, his or her designate, by the Board of Appeal and Discipline, or by the Executive of the Board of Governors.
2. Penalties, including but not limited to the following, may be imposed upon any student found to have violated the *Code of Conduct*:
  - a. Restitution – Compensation for loss, damage or injury. This may take the form of appropriate Warning – A notice in writing to the individual that he or she is violating or has violated institutional regulations.
  - b. Probation – A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the individual is found to violate any institutional regulation(s) during the probationary period.
  - c. Fines – Amounts are to follow the schedule established annually and published by the Dean of Students on the King’s website.
  - d. Loss of Privileges – Denial of specified privileges for a designated period of time.
  - e. Restitution – Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - f. Discretionary Sanctions – Work assignments, service to the University or other such discretionary assignments that are considered appropriate.
  - g. Conditions – Conditions may be imposed upon the individual's continued presence on campus.
  - h. Suspension – Suspension of the individual from the University for a specified period of time, after which he or she is eligible to return. Conditions for readmission may be specified.
  - i. Expulsion – Permanent separation of the individual from the University.
3. Only the Board of Appeal and Discipline (or the Executive of the Board of Governors on appeal) may exercise penalty (i) expulsion.
4. Penalties, including but not limited to the following, may be imposed upon any employee found to have violated the *Code of Conduct*:
  - a) Warning – A notice in writing to the individual that he or she is violating or has violated institutional regulations.
  - b) Probation – A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the individual is found to violate any institutional regulation(s) during the probationary period.
  - c) Loss of Privileges – Denial of specified privileges for a designated period of time.
  - d) Restitution – Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - e) Discretionary Sanctions – Work assignments, service to the University or other such discretionary assignments that are considered appropriate.
  - f) Conditions – Conditions may be imposed upon the individual’s continued presence on campus.
  - g) Suspension – Suspension of the individual from the University for a specified period of time, with or without loss of pay, after which he or she is eligible to return. Conditions for readmission may be specified.
  - h) Termination – Termination of the individual’s employment with the University.

5. More than one of the penalties listed above may be imposed for any single violation.
6. Other than expulsion from the University and suspension for the duration of its effect, disciplinary penalties shall not be made part of the student's academic record, but shall be kept on file in the Office of the President or the Dean of Students for use in the event of further breaches of this *Code of Conduct*.
7. Any offence committed by an employee shall be kept on file in the Office of the President in that employee's personnel file.
8. No student or employee found guilty of an offence under this *Code of Conduct* shall refuse to comply with a penalty or penalties imposed under the procedures of this *Code of Conduct*. Such refusal will constitute grounds for the imposition of additional penalties.
9. The Board of Appeal and Discipline may direct that a penalty be held in abeyance during the absence from the University of the student or employee for any reason, including the interruption of a student's registration at the University.

## **F. INTERIM SUSPENSION**

The President, or a designate, may impose an interim suspension prior to a hearing before the Board of Appeal and Discipline for the following reasons only:

1.
  - a. to ensure the safety and well-being of members of the University community or preservation of University property;
  - b. to ensure the student or employee's own physical or emotional safety and well-being; or
  - c. to eliminate the threat of disruption or interference with the University's operations or activities which the student or employee poses.
2. During the interim suspension, students or employees may be denied access to specified campus facilities (including classes) and/or any other University activities or privileges for which the student or employee might otherwise be eligible, as the President or the designate may determine is appropriate.
3. A student or employee who is the subject of an interim suspension may request a hearing before the Board of Appeal and Discipline on the issue of the interim suspension itself. This request shall be submitted in writing, with reasons, to the Chair of that Board. The Board shall hear the matter, including submissions by the President or designate, within 10 University business days, and shall have the authority to confirm, negate or alter the terms of the interim suspension.

## **G. PROCEDURES FOR COMPLAINT AND APPEAL**

Complaints and appeals are in the first instance directed to the administration (President or designate), who will attempt to resolve the issue informally as outlined below. If there is no resolution, the complaints and appeals are directed to the Chair of the Board of Appeal and Discipline, according to the procedures outlined in the

University's By-Laws, Rules and Regulations, Part VII, Appeals and Discipline.

1. Whenever possible and appropriate, issues will be resolved using informal measures before resorting to formal disciplinary procedures.
2. Any person may make a complaint regarding misconduct. A complaint shall be prepared in writing and directed to the President or designate. Any complaint should be submitted within 10 University business days after the event takes place. All complaints shall be provided to the person against whom the complaint is made in written form. Along with notice of the complaint the accused shall be advised of her/his right to be represented throughout the process.
3. The President or designate shall conduct an investigation within 10 University business days of receiving the complaint to determine if the 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 President or designate. If an informal disposition of the complaint results, such disposition shall be final and there shall be no subsequent proceedings.
4. An agreement that a student will withdraw from the University for a period of time, or not re-register, may be part of an informal disposition of a complaint. In such instances this will not be recorded on the student's academic record, but a "block" on further registration may be entered in the student information system.
5. The President shall report annually to the Board of Governors regarding the number and nature of complaints that are disposed of informally.
6. If the complaint cannot be resolved informally through the procedures described in Section 3, or if in the judgment of the President or designate it is not appropriate for the complaint to be so resolved, the President or designate shall refer the complaint to the Board of Appeal and Discipline for a formal hearing within 10 University business days of the decision regarding the informal resolution of the complaint. If the President does not offer a timely decision or refer the complaint within a timely manner, the complainant may forward the complaint to the Chair of the Board of Appeal and Discipline directly.
7. Where there are criminal or civil proceedings pending against the student or employee for conduct related to the complaint, the President or designate may defer prosecution of the complaint on such terms and conditions as are appropriate in the circumstances (including an interim suspension, in the case of a student) until the conclusion of all or part of such proceedings. Conviction of a criminal offence will be considered *prima facie* evidence of a parallel offence under this *Code of Conduct*.
8. Any statements an accused student or employee makes to the President or designate in the course of an attempt to resolve a complaint informally shall not be submitted to the Board of Appeal and Discipline as evidence.
9. Hearings shall be conducted by the Board of Appeal and Discipline according to procedures outlined in the University's By-Laws, Rules, and Regulations, Part VII, Appeal and Discipline.
10. The President or designate shall present the complaint.

11. A student or employee must be given five University business days' notice of a hearing before the Board of Appeal and Discipline. The hearing may proceed and the evidence presented and considered in the absence of the student or employee provided adequate notice was given. A student or employee will not be found to have violated the *Code of Conduct* solely because he or she failed to appear before the Board of Appeal and Discipline, unless part of the issue is that the student or employee failed to obey a summons from the Board or other University official.
12. A ruling of the Board of Appeal and Discipline may be appealed to the Executive of the Board of Governors, whose decision shall be final. Such appeal shall only be made on the basis of a denial of natural justice or procedural fairness. The appeal must be made within 10 University business days of the decision of the Board of Appeal and Discipline.
13. Hearings shall be conducted by the Executive of the Board of Governors according to procedures outlined in the University's By-Laws, Rules, and Regulations, Part VII, Appeal and Discipline.

## **H. REVIEW OF POLICY**

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

# COLLEGE REGULATIONS

## A. PREAMBLE

1. The *College Regulations* apply to all resident and non-resident members of the University when on campus, and all guests of the same.
2. The Regulations are intended to provide a guide to civility appropriate to a residential, academic community.
3. The Regulations follow from the *Code of Conduct*, which takes precedence in all matters of campus order and discipline, and from the Board policies on the *Prevention of Discrimination and Harassment* and *Accessibility and Requests for Accommodation*. The Regulations are approved by the Board of Governors after discussion with the King's Students' Union, the Faculty, and the Administration. The President and the President's designates (the Dean of Students, the dons and Patrol for the general regulation of residence and student life, and the Bursar and Security staff for campus security) regulate behaviour on campus. Appeals are directed to the Board of Appeal and Discipline following the procedure outlined in a) the *Code of Conduct* and b) the University's By Laws, Rules, and Regulations, Part VII, Appeals and Discipline.
4. The University does not provide protection for students or employees who commit any offences contrary to Federal or Provincial law, and will encourage and support prosecution by the legal authorities for any apparent breach of the law.
5. The role of the dons, Patrol and Security is to maintain good order. If there are violations of the law, outside authorities will normally be called in. The University does not take the place of the legal authorities. In matters of theft, physical assaults, and possession of banned substances the University will normally defer to outside authorities.

## B. RELATIONS WITH OTHERS

1. All members of the University and their guests are expected to behave respectfully towards other students, employees and agents of the University as well as towards any person otherwise employed by or visiting the campus.
2. The following are subject to University discipline:
  - a. excessive noise;
  - b. excessive rowdy or violent behaviour;
  - c. behaviour by individuals or groups of individuals that hinders or makes unpleasant the normal activities of others;
  - d. excessive rudeness towards employees, students, guests or agents of the University;
  - e. destruction or threatened destruction of University property; and
  - f. improper or illegal use of fire equipment, fire doors, alarms, etc.

## C. ALCOHOL AND DRUG USE

Following provincial and federal laws, and *Code of Conduct* B.7, no student or employee shall contravene the *Liquor Control Act* of Nova Scotia or the *Controlled Drug and Substance Act* of Canada. There shall be no consumption of alcohol in a public area or by those under the legal drinking age in Nova Scotia. The use or possession of illegal drugs or the misuse of legal drugs is not permitted anywhere on campus.

## D. UNIVERSITY PROPERTY AND BUILDINGS

All members of the University and residences are subject to the following general regulations. Detailed *Residence Guidelines*, which are to follow the *Code of Conduct* and these *College Regulations*, will be circulated annually by the Dean of Students along with a schedule of fines for violations.

1. No object, liquid or solid is to be thrown or otherwise projected from any University building.
2. Climbing on the roof of a University building and/or climbing on or descending from any wall or window of a University building is strictly prohibited except by authorized personnel for the purposes of University business (e.g. repairs and maintenance).
3. Fire safety equipment shall be used in emergencies only.
4. Tampering with any fire safety equipment, including fire extinguishers, hoses, fire escapes/landings, sprinklers, or disabling smoke alarms, is strictly prohibited.
5. Fire escapes are for emergency use only and must be left clear at all times.
6. Fire alarms are for emergency use only; false alarms are subject to University discipline and may result in fines from the Halifax Regional Municipality or other governmental or legal authority.
7. Locked doors and areas must be maintained in the locked position.
8. It is the duty of each resident student and employee to investigate damage done or being done to the public areas of the University residences and inform University officials. 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. Vehicles may be driven to or parked within those areas specifically designed for such purposes only. Application for a parking permit may be made through the Bursar's Office. Cars illegally parked may be ticketed by University officials.
10. Within common areas (hallways, common rooms, Prince Hall, classrooms, etc.)
  - a. Cleanliness must be maintained by those making use of these areas.

- b. Furnishings and supplies which are designed for particular areas are to remain in those areas. If any items are removed with permission for University purposes, they are to be returned immediately after use.
11. No one may remain a guest in residence for more than three consecutive nights except with permission of the don of the floor, wing or bay.
  12. All students and employees of the University are expected to maintain peace and quiet conducive to study throughout the residences at all times. Special quiet hours will be posted at exam time.

## **E. PENALTIES**

Violations of any Regulations will be subject to the Penalties outlined in Section E of the *Code of Conduct*.

## BY-LAWS, RULES AND REGULATIONS PART VII APPEALS AND DISCIPLINE

### 48. BOARD OF APPEAL AND DISCIPLINE

1. As outlined in the *Code of Conduct*, the discipline of the University in other than academic matters and matters specifically assigned by the Board of Governors to another body within the University, shall be exercised in the first instance by the President of the University and her or his designates (the Dean of Students, the dons, and Patrol for the general regulation of residence and student life, and the Bursar and Security staff for campus security), with appeals directed to the Board of Appeal and Discipline as described below.
2. The members of the Board of Appeal and Discipline shall be appointed for two year terms. The maximum number of consecutive terms to be served is two, for a total of four years. The terms shall be staggered in such a way that at any one time the Board shall have at least two members who have served for at least one year.
3. The Board of Appeal and Discipline shall consist of:
  - a. one member of administration (President, Vice-President, Registrar, Bursar, Librarian, Dean of Students) named by the President,
  - b. one member of Faculty, appointed by the Faculty,
  - c. one member of staff, chosen by the staff,
  - d. one student, appointed by the Students' Union,
  - e. one member of the Board of Governors who falls into none of the other categories, and
  - f. one member of the Alumni Association of at least five years' standing, selected by the Alumni Association Executive.
4. The Board of Appeal and Discipline shall choose its Chair from among its members. The Chair shall serve for a minimum of two years and a maximum of three years.
5. Quorum for meetings of the Board of Appeal and Discipline is five.
6. An appeal is made to the Board of Appeal and Discipline following:
  - a. an administrative decision made pursuant to the *College Regulations* or the *Code of Conduct* (see *Code of Conduct* G.6);
  - b. a complaint alleging a violation of the *Code of Conduct* from a student or employee of the University which has not been acted upon by the President or designates.
7. Appeals are directed in writing to the Chair of the Board of Appeal and Discipline.
8. Upon receipt of an appeal, the Chair will determine if an informal resolution has already been pursued by the President of the University. If an informal resolution has not been pursued, then the matter will be referred to the President, and a report provided within 10 University business days to the Chair of the Board of Appeal and Discipline. If an informal resolution is found to be unattainable, the Chair will then,



within 10 University business days, appoint a three-person Panel from the Board to examine the appeal.

9. The Panel (one of whom will act as Chair) will first determine if both parties are willing to go to mediation with a trained neutral mediator appointed by the University. If both are in agreement, the Board of Appeal and Discipline will instruct the Chair of the Panel to initiate that process. If one or both parties refuse mediation, the appeal shall remain with the Panel for a preliminary decision. The decision on whether to turn to a mediator or to remain with Panel will be made within 10 University business days.

#### **49. PROCEDURE OF THE BOARD AND ITS PANELS**

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. The Panel may request the University to provide legal guidance on procedure.
3. After hearing submissions, a decision on the disposition of the appeal and the action to be taken shall be made by the Panel within 10 University business days.
4. The Panel shall report the decision to the Board of Appeal and Discipline.
5. The Chair of the Panel shall regularly inform the Chair of the Board of the Board of Appeal and Discipline of the progress of the decision.
6. The Chair of the Board of Appeal and Discipline will communicate the decision to the President for any necessary action.

#### **50. RIGHTS OF APPEAL**

A decision of the Board of Appeal and Discipline may be appealed to the Executive of the Board of Governors, whose decision shall be final. Such appeal shall only be made on the basis of a denial of natural justice or procedural fairness.

1. Appeals are directed in writing to the Chair of the Board of Governors.
2. Complainants, appellants and respondents have the right to make written or oral submissions or both.
3. Upon receipt of an appeal, the Chair will, within 10 University business days, appoint a three-person Panel from the Executive of the Board of Governors to examine the appeal (one of whom will act as Chair).
4. The proceedings of the Panel will be governed by the rules of natural justice including the right to counsel for persons appearing before it. The Panel may request the University to provide legal guidance on procedure.
5. After hearing submissions, a decision on the disposition of the appeal and the action to be taken shall be

made by the Panel within 10 University business days.

6. The Panel shall report the decision to the Executive of the Board of Governors.
7. The Chair of the Panel shall regularly inform the Chair of the Board of Governors of the progress of the decision.
8. The Chair of the Board of Governors will communicate the decision to the President for any necessary action.

## 51. PENALTIES

After a hearing conducted pursuant to subsection s. (48)(6)(a) or (b) of Part VII, the Board of Appeal and Discipline shall make a report to the President which may include a recommendation for some specified action or penalty.

1. Possible penalties for any student may include, but are not limited to:
  - a. Warning – A notice in writing to the individual that he or she is violating or has violated institutional regulations.
  - b. Probation – A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the individual is found to violate any institutional regulation(s) during the probationary period.
  - c. Fines – Amounts are to follow the schedule established annually and published by the Dean of Students in the *Residence Guidelines*.
  - d. Loss of Privileges – Denial of specified privileges for a designated period of time.
  - e. Restitution – Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - f. Discretionary Sanctions – Work assignments, service to the University or other such discretionary assignments that are considered appropriate.
  - g. Conditions – Conditions may be imposed upon the individual's continued presence on campus.
  - h. Suspension – Suspension of the individual from the University for a specified period of time, after which he or she is eligible to return. Conditions for readmission may be specified.
  - i. Expulsion – Permanent separation of the individual from the University.
2. Possible penalties for any employee may include, but are not limited to:
  - a. Warning – A notice in writing to the individual that he or she is violating or has violated institutional regulations.
  - b. Probation – A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the individual is found to violate any institutional regulation(s) during the probationary period.
  - c. Loss of Privileges – Denial of specified privileges for a designated period of time.
  - d. Restitution – Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - e. Discretionary Sanctions – Work assignments, service to the University or other such discretionary assignments that are considered appropriate.
  - f. Conditions – Conditions may be imposed upon the individual's continued presence on campus.

- g. Suspension – Suspension of the individual from the University for a specified period of time, after which he or she is eligible to return. Conditions for readmission may be specified.
- h. Termination – Termination of the individual's employment with the University.

## **52. PRIVACY**

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 exceptions to complete confidentiality are: (1) 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; (2) disclosure as required by law.

# **POLICY AND PROCEDURES FOR PREVENTION OF DISCRIMINATION AND HARASSMENT**

## **1. INTRODUCTION**

- 1.1. The University of King's College ("King's") is an institution of higher learning in the Humanities, Social Sciences and Journalism. Implied in that status is a concern for the dignity of its workplace, as well as a concern for the place of the University in society, the province, the nation and the world.
- 1.2. In relation to these concerns, the University considers the equality of persons within the King's community to be essential. Through the Policy and Procedures concerning Prevention of Discrimination and Harassment (the "Policy"), King's will strive to ensure that it offers a welcoming environment, with access to the opportunities and advantages of a King's education, and that it endeavours to maintain such an environment for its students, faculty, staff and visitors. King's recognizes that the presence of a diverse community enriches both the academic and professional lives within King's, while serving the wider community.

## **2. THE POLICY**

- 2.1. The Policy strives to:
  - (a) Ensure that there are no barriers to equality in the form of burdens, obligations or disadvantages arising from personal characteristics such as age; race; colour; religion; creed; ethnic, national or aboriginal origin; family status; marital status; sex; sexual orientation; physical or mental disability; an irrational fear of contracting an illness or disease; source of income; or political belief, affiliation or activity.
  - (b) Uphold King's ethical responsibilities as a university by ensuring that the full and free participation of all its members in university life is not undermined by discrimination or harassment.
  - (c) Educate about issues of discrimination and harassment.
  - (d) Provide for early resolution of concerns and, where that is not possible, for a fair, clear process to address them.
- 2.2. The Policy applies to all members of the King's community, including students, faculty, staff, administrators, residents, consultants, volunteers and others acting in a recognized capacity. It applies to incidents that occur in the course of work or study or events sponsored by King's and held on or off campus, including internships, retreats, social functions, conferences or training events.
- 2.3. This Policy is to be interpreted and administered in a way that is consistent with the principles of academic freedom. It is not to be applied in such a way as to detract from the right of faculty, staff and students to engage in the discussion of potentially controversial matters such as age, race, politics, religion, sex and sexual orientation, provided such discussion and instructional techniques are conducted in a mutually respectful and non-coercive manner.

- 2.4. Stalking and sexual assault, which includes coerced sexual relations, are offenses falling under the *Criminal Code of Canada*. Criminal behaviour does not fall within the scope of this Policy. Nevertheless, King's will make available support and advice to individuals who express concerns about stalking or sexual assault.

### 3. DEFINITIONS

- 3.1. In this Policy,

- (a) A "Complainant" is any person who seeks recourse under this Policy.
- (b) A "Respondent" is any person against whom a complaint has been made under this Policy. The nature of some discrimination, harassment and/or sexual harassment concerns is such that the Respondent may be the University itself. Where that is the case or where the President is personally named in a complaint, the President can designate the appropriate representative(s) to act as the Respondent.
- (c) A "complaint" is a concern regarding alleged incidents of discrimination or harassment brought to the attention of the Equity Officer. A complaint may take one of two forms: a verbal or informal allegation, or a written formal allegation.
- (d) The "Equity Officer" means the person appointed pursuant to this Policy.
- (e) "Discrimination" means a distinction, whether intentional or not, based on a 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.
- (f) "Harassment" means to engage in a course of vexatious conduct or comment that is known or ought reasonably to be known to be unwelcome. Harassment on any of the grounds in the *Nova Scotia Human Rights Act* is prohibited.
- (g) "Sexual harassment" is a form of harassment. It refers to unwelcome or inappropriate sexual attention or behaviour which adversely affects the working or learning environment. Sexual harassment may involve conduct or comments which are intentional or unintentional. It can occur between individuals of the same or different status, and both men and women can be subject to sexual harassment by members of either gender. Sexual harassment can occur in one incident or can take place over a series of incidents by an individual or group who knows or ought reasonably to know that such attention or comment is unwelcome. Sexual harassment includes, but is not limited to:
  - (i) Unwelcome sexual attention of an abusive or persistent nature;
  - (ii) Sexually-oriented behaviour or remarks when such conduct results in an intimidating, hostile or offensive environment in any university-related context;
  - (iii) A promise of an actual or implied benefit for agreeing to comply with a sexually-oriented request or demand;
  - (iv) A reprisal or threat of a reprisal for refusal to comply with a sexually-oriented request or demand;
  - (v) An implied or expressed denial of an opportunity as a result of refusal to comply with a sexually-oriented request or demand; or
  - (vi) Gender-based behaviour or remarks which create a hostile work or learning environment or which limits access to opportunities available to others.

- (h) The “Policy” means the Policy and Procedures concerning Prevention of Discrimination and Harassment.

**4. BOARD EQUITY COMMITTEE (as approved by the Board of Governors, December 2, 2023)**

- 4.1 The Equity Committee (the “Board Equity Committee”) of the Board of Governors of King’s College (the “Board”) has the oversight of the implementation and administration of the Policy.
- 4.2. The Board Equity Committee will consist of:
- Two members of the Board of Governors, appointed by the Board of Governors;
  - Three Student Representatives, appointed by the King’s Student Union (“KSU”). It is recommended that the Safety Officer of the KSU be one of the three Student Representatives;
  - Two Faculty Representatives, appointed by Faculty;
  - One Staff Representative, appointed by Staff;
  - The Equity Officer (non-voting);
  - The Accessibility Officer (non-voting); and,
  - Vice President (ex officio); and
  - Such additional committee member with expertise as desired by the Chair of the Board Equity Committee, after consultation with the President.
- 4.2.1 One member of the committee must be a lawyer licensed to practice in Nova Scotia. The Chair of the Board Equity Committee shall be appointed from its membership by the Board and the Chair will report at least annually to the Board of Governors, normally at the June meeting.
- 4.3. To ensure continuity, the terms of all voting representatives shall be staggered. When the Board Equity Committee is constituted, one Board member will be appointed for a two-year term and the other Board member for three years, after which both Board members will be appointed for three year terms. Student representatives will be appointed for one-year terms, renewable. One Faculty representative initially will be appointed for a three year term and the second for a two year term after which both Faculty members will be appointed for three year terms. The Staff representative will be appointed for a two year term.
- 4.4. The Board Equity Committee will meet at least twice during each academic year (i.e. the fall and winter terms). It will:
- (a) Receive reports of the Equity Officer;
  - (b) Proactively promote best practices concerning minimizing and responding to complaints of discrimination and harassment within the university;
  - (c) Help facilitate and organize activities, including but not limited to campus events and academic presentations;
  - (d) Facilitate training for board, faculty, staff and students;
  - (e) Provide fair procedures for handling formal complaints in a timely manner.
- 4.5 One committee member will be assigned to ensure that information about the work of the Board Equity Committee and the policies it operates under is widely circulated among students, staff and faculty through such means as the academic calendar, the university website and other printed and online material as necessary;

- 4.6 Student representatives will ensure regular communication with the KSU for coordinating events, training and information dissemination.

## 5. EQUITY OFFICER

- 5.1. Based on the recommendation of the President, the Board of Governors of the University of King's College will appoint an Equity Officer.
- 5.2. This person normally would be chosen from among the following university members: the Vice President, the Registrar, the Bursar, a member of Faculty, the Librarian, the Director of Athletics, the Director of Advancement, or the Dean of Residence. The President's recommendation will be arrived at after consultation with the various constituencies of the University, i.e. the administration, faculty, staff and students. The term of the appointment will be for three years. The Equity Officer will be a non-voting member of the Board Equity Committee overseeing this Policy and in all circumstances is to act as an impartial mediator.
- 5.3. The Equity Officer will:
- (a) Provide information and be available for consultation to all members of the university community on questions concerning discrimination and harassment;
  - (b) Be available to discuss concerns and provide support and referrals in matters of discrimination and harassment;
  - (c) Act as an impartial advisor;
  - (d) Explain the Policy and procedures concerning complaints of discrimination and harassment and available options to the Board Equity Committee and other interested parties;
  - (e) Receive all complaints of discrimination and harassment;
  - (f) Initiate the procedures of this Policy, when appropriate;
  - (g) Serve as an investigator in informal procedures 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 discrimination and 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 Board Equity Committee;
  - (l) Ensure the Complainant(s) and Respondent(s) are informed of the status of the ongoing procedures;
  - (m) promote equality while maintaining the principle of academic freedom through continuing considerations of:
    - (i) Curriculum
      - A. Program curricula: the choice of text and material which critically analyze social constructs, and which address anti-racist and anti-discriminatory issues.
      - B. Library holdings: texts and materials which address anti-racist and anti-discriminatory issues.
    - (ii) Outside speakers or guest presenters: King's encourages the participation in its academic work of representatives of diverse groups.

- (iii) Anti-racist and anti-discriminatory education for faculty, staff and students.
- (n) Report to and perform such other functions and duties as the Board Equity Committee may reasonably request;
- (o) Prepare an annual report for the Board Equity Committee, 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. RESPONSIBILITIES**

### General

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

### Supervisors

6.2 An individual in a supervisory position such as program director or administrative officer should attempt to prevent discrimination and harassment and to respond appropriately to any such concerns brought to his or her attention. The supervisor must inform those who bring concerns of the existence of this Policy and the role of the Equity Officer.

6.3 The supervisor may:

- (a) Assist them to talk directly to the individual(s) who has created an issue with discrimination, harassment or sexual harassment or is in a position to readily correct it; and/or
- (b) Speak directly to the other individual(s); and/or
- (c) Consult with the Equity Officer; and/or
- (d) Refer them to the Equity Officer.

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 the Policy.

## **7. THE COMPLAINT AND RESOLUTION PROCESS**

### 7.1. Advice and Consultation

Any member of the university community who believes he or she has been subject to discrimination or harassment (including sexual harassment) is encouraged to seek advice and assistance from the Equity Officer. The Equity Officer will discuss any concerns, review the Policy, and explain options available both within and outside King's. If the individual then chooses to take further action, he or she may follow the internal complaint and resolution process and/or an external process, as the individual chooses.



- 7.2 It is anticipated that most complaints of discrimination or harassment (including sexual harassment) can be resolved through this complaint and resolution process.
- 7.3 Initiating a Complaint
- Complaints should be brought as soon as possible, and must be brought within one calendar year of the events or circumstances giving rise to the concern with discrimination and/or harassment (including sexual harassment).
- 7.4 The proceedings at this level remain confidential, to the extent possible. No record of a complaint will be entered into the academic or employment file of the Complainant(s) or the Respondent(s) without the knowledge and consent of that person. The files generated by the Equity Officer acting pursuant to this Policy will be maintained in the President's Office.
- 7.5 To initiate the complaint process, the Complainant must provide the Equity Officer with a written complaint identifying the concern and what he or she is seeking. The Complainant must provide any relevant information, including any documentation, supporting the claim.
- 7.6 The Equity Officer will review the written complaint and supporting documentation and, within five (5) days of receiving it, determine whether the complaint will proceed further.
- 7.6.1. If the complaint does not fall under this Policy or there are no grounds to reasonably substantiate the complaint, the Equity Officer will advise the Complainant that the matter will not proceed further and will make a notation in the confidential files.
- 7.6.2 If the complaint does fall under the Policy and there are reasonable grounds to substantiate it, the Equity Officer will advise the Complainant that the complaint will be processed. Within three (3) working days, the Equity Officer will then deliver or send by registered mail to the Respondent, a copy of the written complaint along with any supporting information and a copy of this Policy. If the Respondent is King's itself, the Equity Officer shall deliver the documents to the representative appointed by the University President.
- 7.6.3 The Respondent shall respond in writing within ten (10) working days from receipt of the complaint.
- 7.7 The Equity Officer can grant an extension to any of the time limits set out in this Policy, if the party requests the extension in writing and provides reasons that the Equity Officer finds to be valid.
- 7.8 Options for dealing with a complaint
- 7.8.1 The complaint process could unfold in one of three ways:
- (a) The Respondent does not respond within the time-frame set out above and has not received an extension so the Equity Officer makes a recommendation based on information available to him or her;
  - (b) The Respondent responds and the Equity Officer concludes that there is no merit to the complaint so makes a recommendation based on information available to him or her; or,
  - (c) The Respondent responds and the Equity Officer believes that discussions between the Complainant and Respondent would be beneficial so will facilitate those discussions.

- 7.8.2 If the Respondent does not respond within the time-frame set out above and has not received an extension, the Equity Officer can make a recommendation based on information available to him or her as to the action to be taken in response to the complaint. The Equity Officer will present the recommendation in writing to the President within ten (10) working days of the day that the Respondent was to be provided. The recommendation is subject to the President's approval before it can take effect.
- 7.8.3 If the Respondent does respond and the Equity Officer concludes that there is no merit to the complaint, the Equity Officer shall make a recommendation based on information available to him or her. The Equity Officer will present the recommendation in writing to the President within ten (10) working days of the day that the Respondent provided. The recommendation is subject to the President's approval before it can take effect.
- 7.8.4 If the Respondent does respond and the Equity Officer believes that discussion between the Complainant and Respondent would be beneficial, the Equity Officer may facilitate discussions between the Complainant and the Respondent, as the Equity Officer determines is appropriate. The Equity Officer shall have fifteen (15) working days from the date the Respondent has submitted its Response to facilitate a mutually agreeable outcome. This time period may be extended by mutual agreement in writing of the parties and the Equity Officer.
- 7.8.5 If the parties achieve a mutually agreeable outcome, the Equity Officer shall prepare a Memorandum of Agreement, setting out the commitments of each party. The Memorandum of Agreement will typically include the identity of the Complainant and the Respondent, the nature of the concern expressed or accommodation sought the details of the terms of resolution, the time limits within which any action promised is to be carried out and any other relevant information. The Complainant, Respondent and Equity Officer will sign the Memorandum of Agreement. The Equity Officer shall present the Memorandum of Agreement to the President immediately after it is signed by all parties. The Memorandum of Agreement is subject to the President's approval before it can take effect.
- 7.8.6 If the parties are not able to reach a mutually agreeable outcome, the Equity Officer will make a recommendation based on information available to him or her. The Equity Officer will present the recommendation in writing to the President within ten (10) working days of the end of the discussions contemplated in article 7.7.5 of this Policy. The recommendation is subject to the President's approval before it can take effect.
- 7.8.7 Once the President has received a report of Memorandum of Agreement pursuant to this Policy, he or she will advise the parties and the Equity Officer of whether approval is granted and, if not, will provide reasons for the lack of approval.
- 7.8.1 The nature of claims of discrimination and harassment (including sexual harassment) is such that, in some cases, immediate action should be taken to minimize contact between the Complainant and the Respondent. For instance, in a case of alleged sexual harassment, it may be advisable to minimize the need for any contact between the parties. Where that is the case, the Equity Officer may facilitate interim measures while the process set out in this Policy unfolds, if possible.

## **8. NO RETALIATION**

Individuals who believe they have been subject to retaliation because of any matter under this Policy should discuss their concerns with the Equity Officer. Retaliation is prohibited and can lead to disciplinary action.

## **9. EFFECTIVE DATE**

The Policy and associated appendices will take effect on the date it is approved by the Board of Governors of the University of King's College.

## **10. RELATION TO EXISTING POLICIES**

Nothing in this Policy will detract from the operation of King's' regulations and policies.

## **11. REVIEW OF POLICY**

In the first five years of operation this Policy will be reviewed every second year by a working group appointed by the Board of Governors, and this group will report to the Board. Members of the working group may include the Chair of the Equity Committee, a representative from faculty, students and staff. The working group is encouraged to consult the Equity Officer and the wider community as part of its review. After year five, the Board will determine the frequency for the review of this and associated policies.

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# **POLICY AND PROCEDURES FOR CONCERNS RE ACCESSIBILITY AND REQUESTS FOR ACCOMMODATION**

## **1. INTRODUCTION**

- 1.1 The University of King's College is an institution of higher learning in the Humanities, Social Sciences and Journalism. Implied in that status is a concern for the dignity of its workplace, as well as a concern for the place of the University in society, the province, the nation and the world.
- 1.2 In relation to these concerns, the University considers the equality of persons within the King's community to be essential. Through the Policy and Procedures for Concerns re Accessibility and Requests for Accommodation (the "Policy"), King's will strive to ensure that it offers a welcoming environment, with access to the opportunities and advantages of a King's education, and that it endeavours to maintain such an environment for its students, faculty, staff and visitors. King's recognizes that the presence of a diverse community enriches both the academic and professional lives within King's, while serving the wider community.

## **2. THE POLICY**

- 2.1 The Policy strives to:
  - (a) Ensure that there are no barriers to equality in the form of challenges in accessing programs at King's due to a person's disability or any other characteristic protected by the Nova Scotia *Human Rights Act* such as, but not limited to, religion.
  - (b) Uphold King's ethical responsibilities as a university by ensuring that the full and free participation of all its members in university life is not undermined by inaccessibility to programs at King's.
  - (c) Educate about issues of accessibility.
  - (d) Provide for early resolution of concerns and, where that is not possible, for a fair, clear process to address them.
- 2.2 The Policy applies to all members of the King's community, including students, faculty, staff, administrators, residents, consultants, volunteers and others acting in a recognized capacity. It applies to incidents that occur in the course of work or study, held on campus.
- 2.3 King's will, as far as possible given its financial and resource constraints (especially given the historical nature of some buildings) strive to provide access to:
  - (a) The learning, working, social and spiritual environment of King's, including (but not limited to) the various educational processes, which belong to specific programs (for example: access to classes, library, laboratories, workshops, tutorials, office hours and internships);
  - (b) King's campus;
  - (c) King's facilities and services;

- (d) Support and advocacy through the Accessibility Officer;
- (e) Access to the complaint and resolution process (as outlined in this Policy) if an individual believes that King's has acted unfairly in matters related to an individual with any characteristics protected by the Policy.

### 3. DEFINITIONS

- (a) A "Complainant" is any person who seeks recourse under this Policy.
- (b) A "Respondent" is any person against whom a complaint has been made under this Policy. The nature of concerns of access and accommodation is such that the Respondent may be the University itself. Where that is the case, the University President can designate the appropriate representative(s) to address the matter.
- (c) A "complaint" is a concern regarding accessibility and/or accommodation brought to the attention of the Accessibility Officer.
- (d) "Disability" - King's adopts the definition of "disability" found in the Nova Scotia *Human Rights Act* which states that a "physical disability or mental disability" means an actual or perceived:
  - (i) loss or abnormality of psychological, physiological or anatomical structure or 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 dog, a guide dog, a wheelchair or a 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 impaired,
  - (vi) mental disorder, or
  - (vii) dependency on drugs or alcohol;
- (e) The "Accessibility Officer" means the person appointed pursuant to this Policy.
- (f) The "Policy" means the Policy and Procedures for Concerns re Accessibility and Requests for Accommodation.

### 4. BOARD EQUITY COMMITTEE

4.1 The Equity Committee (the "Board Equity Committee") of the Board of Governors of King's College (the "Board") is responsible to implement and administer the Policy.

4.2 The Board Equity Committee will consist of:

- Two members of the Board of Governors, appointed by the Board of Governors;
- Three Student Representatives, appointed by the King's Student Union (the "KSU"). It is recommended that the Safety Officer of the KSU be one of the three Student Representatives;
- Two Faculty Representatives, appointed by Faculty;

- One Staff Representative, appointed by Staff;
  - The Equity Officer (non-voting);
  - The Accessibility Officer (non-voting); and
  - Vice President (*ex officio*)
- 4.2.1 One member of the committee must be a lawyer licensed to practice in Nova Scotia. The Chair of the Board Equity Committee shall be one of the two Board members and the Chair will report at least annually to the Board of Governors, normally at the June meeting.
- 4.3 To ensure continuity, the terms of all voting representatives shall be staggered. When the Board Equity Committee is constituted, one Board member will be appointed for a two-year term and the other Board member for three years, after which both Board members will be appointed for three year terms. Student representatives will be appointed for one-year terms, renewable. One Faculty representative initially will be appointed for a three year term and the second for a two year term after which both Faculty members will be appointed for three year terms. The Staff representative will be appointed for a two year term.
- 4.4 The Board Equity Committee will meet at least twice during each academic year (i.e. the fall and winter terms). It will:
- (a) Receive reports of the Accessibility Officer;
  - (b) Proactively promote best practices concerning accessibility within the university;
  - (c) Help facilitate and organize activities, including but not limited to campus events and academic presentations;
  - (d) Facilitate training for board, faculty, staff and students;
  - (e) Recommend investment in infrastructure and resources to aid accessibility through the normal budgetary processes;
  - (f) Provide fair procedures for handling formal complaints in a timely manner;
- 4.5 One committee member will be assigned to ensure that information about the work of the Board Equity Committee and the policies it operates under is widely circulated among students, staff and faculty through such means as the academic calendar, the university website and other printed and online material as necessary;
- 4.6 Student representatives will ensure regular communication with the KSU for coordinating events, training and information dissemination.

## **5. ACCESSIBILITY OFFICER**

- 5.1 Based on the recommendation of the President, the Board of Governors of the University of King's College will appoint an Accessibility Officer.
- 5.2 This person normally would be chosen from among the following university members: the Vice President, the Registrar, the Bursar, a member of Faculty, the Librarian, the Director of Athletics, the Director of Advancement, or the Dean of Residence. The President's recommendation will be arrived at after consultation with the various constituencies of the University, i.e. the administration, faculty, staff and students. The term of the appointment will be for three years.

5.3 The Accessibility Officer will:

- (a) Provide information and be available for consultation to all members of the university community on questions concerning accessibility and accommodation;
- (b) Be available to discuss concerns and provide support and referrals in matters of accessibility and accommodation;
- (c) Act as an impartial advisor;
- (d) Explain the Policy and procedures concerning accessibility and accommodation and available options to the Board Equity Committee and other interested parties;
- (e) Receive all complaints related to accessibility and accommodation;
- (f) Initiate the procedures of this Policy, when appropriate;
- (g) Serve as a facilitator when appropriate;
- (h) Maintain information received in a confidential manner, to the extent possible;
- (i) Keep informed of current issues and literature pertaining to accessibility and accommodation;
- (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 Board Equity Committee;
- (l) Ensure the Complainant(s) and Respondent(s) are informed of the status of the ongoing procedures;
- (m) Report to and perform such other functions and duties as the Board Equity Committee may reasonably request;
- (n) Prepare an annual report for the Board Equity Committee, 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. RESPONSIBILITIES

### General

- 6.1 Each member of the university community, including students, staff, faculty, administrators and contractors, is responsible for helping to create an environment that is accessible.
- 6.2 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 workstations, or support services such as interpreters.
- 6.3 King's recognizes the need to balance a person's privacy interests with respect to their mental or physical health with a need for sufficient information to enable and facilitate meaningful accommodation.

### Students

- 6.4 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 early notice 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. Early notice also facilitates the student's ability to make an informed choice about where to study. Under most circumstances, notice is required to ensure the necessary accommodations can be arranged.

- 6.5 An individual who requires accommodation because of a physical or mental disability or some other protected characteristic will:
- (a) Identify him or herself to the Registrar's Office who will work with the Accessibility Officer where appropriate to ensure the request, whether academic-related or facilities-related, is handled in a timely manner; and
  - (b) State the accommodation being sought and provide adequate documentation. If a medical condition is relevant to the request for accommodation, the student must provide medical reports or additional documentation from a medical doctor (registered in accordance with the provincial College of Physicians and Surgeons or the appropriate licensing board of another province or country, as appropriate for each student) or other qualified practitioner acceptable to King's as is appropriate to the condition. Adequate information is a requirement for any accommodation; King's has sole discretion as to whether the information provided is adequate.
- 6.6 The Registrar's Office is responsible for determining whether the student's request is academic or involves facilities.

#### Academic-Related Accommodation

- 6.7 If the request involves an academic-related accommodation, the Registrar's Office will respond. A representative of the Registrar's Office will advise the student of the process for seeking accommodation as soon as reasonably possible.
- 6.9 All requests for accommodation of an academic nature involving accessibility issues shall be dealt with pursuant to Dalhousie's Policy on accommodation. See the King's or Dalhousie academic calendar for the Dalhousie Policy on Accommodation for Students.

#### Facilities-Related Accommodation

- 6.10 If the request involves facilities, the Registrar's Office shall forward the issue to the Accessibility Officer and advise the student of that action.

#### Employees

- 6.11 Prospective staff members with disabilities that may influence their ability to perform their employment duties are to identify themselves upon an offer of employment being made. King's encourages early notification so that appropriate accommodations can be made.
- 6.12 Employees who develop a physical or medical disability while they are employed that has an impact on their work are to inform their supervisor in writing as soon as possible of their disability, the impact it might have on their work, and any accommodation that might be required.
- 6.13 If a medical condition is relevant to the request for accommodation, the employee must provide medical



reports or additional documentation from a medical doctor (registered in accordance with the provincial College of Physicians and Surgeons or the appropriate licensing board of other countries) or other duly qualified practitioner acceptable to King's as is appropriate to the condition. Adequate information is a requirement for any accommodation, King's has sole discretion as to whether the information provided is adequate.

## Supervisors

- 6.14 An individual in a supervisory position such as a program director or administrative officer should attempt to promote accessibility and to respond appropriately to any such concerns brought to his or her attention. The immediate supervisor must inform those who bring such concerns of the existence of this Policy and of the role of the Accessibility Officer.
- 6.15 The supervisor may:
- (a) assist them to talk directly to the individual(s) who has created an issue with accessibility or is in a position to readily correct it; and/or
  - (b) speak directly to the other individual(s); and/or
  - (c) consult with the Accessibility Officer; and/or
  - (d) refer them to the Accessibility Officer.

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.

## 7. THE COMPLAINT AND RESOLUTION PROCESS

### 7.1 Advice and Consultation

Any member of the university community who believes he or she has been denied access to a program or service due to a disability or another characteristic protected by the Nova Scotia *Human Rights Act* and/or has not been properly accommodated is encouraged to seek advice and assistance from the Accessibility Officer. The Accessibility Officer will discuss any concerns, review the Policy, and explain options available both within and outside King's.

7.2 It is anticipated that most complaints of accessibility and requests for accommodation can be resolved through this complaint and resolution process.

### 7.3 Initiating a Complaint

Complaints should be brought as soon as possible, and must be brought within one calendar year of the events or circumstances giving rise to the concern with accessibility and/or the need for accommodation.

7.4 The proceedings at this level remain confidential, to the extent possible. No record of a complaint will be entered into the academic or employment file of the Complainant(s) or the Respondent(s) without the knowledge and consent of that person. The files generated by the Accessibility Officer acting pursuant to this Policy will be maintained in the President's Office.

- 7.5 To initiate the complaint process, the Complainant must provide the Accessibility Officer with a written complaint identifying the concern and what he or she is seeking. The Complainant must provide any relevant documentation supporting the claim. For instance, if a student seeks accommodation due to a physical disability, the student must provide medical documentation confirming the student's physical disability and need for the accommodation sought.
- 7.6 The Accessibility Officer will review the written complaint and supporting documentation and, within five (5) days of receiving it, determine whether the complaint will proceed further.
- 7.6.1 If the complaint does not fall under this Policy or there are no grounds to reasonably substantiate the complaint, the Accessibility Officer will advise the Complainant that the matter will not proceed further and will make a notation in the confidential files.
- 7.6.2 If the complaint does fall under the Policy and there are reasonable grounds to substantiate it, the Accessibility Officer will advise the Complainant that the complaint will be processed. Within three (3) working days, the Accessibility Officer will then deliver or send by registered mail to the Respondent, a copy of the written complaint along with any supporting documentation and a copy of this Policy. If the Respondent is King's itself, the Accessibility Officer shall deliver the documents to the representative appointed by the University President.
- 7.6.3 The Respondent shall respond in writing within ten (10) working days from receipt of the complaint.
- 7.7 The Accessibility Officer can grant an extension to any of the time limits set out in this Policy, if a party requests the extension in writing and provides reasons that the Accessibility Officer finds to be valid.
- 7.8 Options for dealing with a complaint.
- 7.8.1 The complaint process could unfold in one of three ways:
- (a) The Respondent does not respond within the time-frame set out above and has not received an extension so the Accessibility Officer makes a recommendation based on information available to him or her;
  - (b) The Respondent responds and the Accessibility Officer concludes that there is no merit to the complaint so makes a recommendation based on information available to him or her; or,
  - (c) The Respondent responds and the Accessibility Officer believes that discussions between the Complainant and Respondent would be beneficial so will facilitate those discussions.
- 7.8.2 If the Respondent does not respond within the time-frame set out above and has not received an extension, the Accessibility Officer can make a recommendation based on information available to him or her as to the action to be taken in response to the complaint. The Accessibility Officer will present the recommendation in writing to the President within ten (10) working days of the day that the Respondent was to be provided. The recommendation is subject to the President's approval before it can take effect.
- 7.8.3 If the Respondent does respond and the Accessibility Officer concludes that there is no merit to the complaint, the Accessibility Officer shall make a recommendation based on information available to him or her. The Accessibility Officer will present the recommendation in writing to the President within ten (10) working days of the day that the Respondent provided. The recommendation is subject to the President's approval before it can take effect.

- 7.8.4 If the Respondent does respond and the Accessibility Officer believes that discussion between the Complainant and Respondent would be beneficial, the Accessibility Officer may facilitate discussions between the Complainant and the Respondent, as the Accessibility Officer determines is appropriate. The Accessibility Officer shall have fifteen (15) working days from the date the Respondent has submitted its Response to facilitate a mutually agreeable outcome. This time period may be extended by mutual agreement in writing of the parties and the Accessibility Officer.
- 7.8.5 If the parties achieve a mutually agreeable outcome, the Accessibility Officer shall prepare a Memorandum of Agreement, setting out the commitments of each party. The Memorandum of Agreement will typically include the identity of the Complainant and the Respondent, the nature of the concern expressed or accommodation sought, the details of the terms of resolution, the time limits within which any action promised is to be carried out and any other relevant information. The Complainant, Respondent and Accessibility Officer will sign the Memorandum of Agreement. The Accessibility Officer shall present the Memorandum of Agreement to the President immediately after it is signed by all parties. The Memorandum of Agreement is subject to the President's approval before it can take effect.
- 7.8.6 If the parties are not able to reach a mutually agreeable outcome, the Accessibility Officer will make a recommendation based on information available to him or her. The Accessibility Officer will present the recommendation in writing to the President within ten (10) working days of the end of the discussions contemplated in article 7.7.5 of this Policy. The recommendation is subject to the President's approval before it can take effect.
- 7.8.7 Once the President has received a report of Memorandum of Agreement pursuant to this Policy, he or she will advise the parties and the Accessibility Officer of whether approval is granted and, if not, will provide reasons for the lack of approval.
- 7.8.8 The nature of concerns re accessibility and requests for accommodation is such that, in some cases, immediate action should be taken to allow a complainant to continue in his or her role. For instance, if an employee requires accommodation to continue working, it may be advisable to explore whether any steps can be taken immediately. Where that is the case, the Accessibility Officer may facilitate interim measures while the process set out in this Policy unfolds, if possible.

## **8. NO RETALIATION**

Individuals who believe they are the subject of retaliation because of any matter under this Policy should discuss their concerns with the Accessibility Officer. Retaliation is prohibited and can lead to disciplinary action.

## **9. EFFECTIVE DATE**

The Policy will take effect on the date it is approved by the Board of Governors of King's.

## **10. RELATION TO EXISTING POLICIES**

Nothing in this Policy will detract from the operation of King's' regulations and policies.

## **11. REVIEW OF POLICY**

In the first five years of operation this Policy will be reviewed every second year by a working group appointed by the Board of Governors, and this group will report to the Board. Members of the working group may include the Chair of the Equity Committee, a representative from faculty, students and staff. The working group is encouraged to consult the Accessibility Officer and the wider community as part of its review. After year five, the Board will determine the frequency for the review of this and associated policies.

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