

 <b>DALHOUSIE UNIVERSITY</b>		<i>Instruction Number:</i>
	<b>Subject: HAZING</b>	<b>Date Issued:</b> <i>June 9, 2014</i>
	<b>Title: HAZING</b>	<b>Date Effective:</b> <i>June 9, 2014</i> <b>Date Revised:</b> <i>Senate : October 27, 2014</i>
	<b>Issued by:</b> Vice-President Student Services	<b>Approved by:</b> President's Executive Team Senate

### A. Background & Purpose

Members of the University community share values that are at the center of campus life. Members of the University community are expected to aspire to the highest standards of campus community life based on common principles, including:

Community  
Respect  
Accountability  
Diversity  
Safety

To help ensure the best possible student experience, University community members share the responsibility for welcoming and orienting new members of the University community in a positive way.

The purpose of this Policy is to identify activities that breach generally accepted standards of conduct when participating in student group activities and provide a process for dealing with allegations of Hazing in an appropriate and timely manner.

### B. Application

This Policy applies to participation in Hazing by a member of the University community that occurs:

- (a) on the premises of Dalhousie;
- (b) off of Dalhousie premises in the course of activities sponsored by Dalhousie (or any of its Faculties, Schools, Departments or administrative units) or the Dalhousie Student Union or Dalhousie Student Union societies; or
- (c) where the conduct is alleged to adversely affect, disrupt or interfere with a student's reasonable participation in Dalhousie programs or activities.

### C. Definitions

1. In this Policy:
  - a. "Complainant" means an individual who makes an allegation of Hazing under this Policy.
  - b. "Respondent" means an individual against whom an allegation of Hazing is directed or who becomes the subject of an investigation. Respondents may include individuals who planned, implemented or participated (actively, passively or as a bystander) in Hazing.
  - c. "Hazing" means any activity expected of a student wishing to join a group (or of a student wishing to gain or maintain full status in a group) which humiliates, degrades, abuses, endangers, or subordinates that student, regardless of his or her apparent willingness to engage in the activity.
  - d. "Student Leaders" means students involved in a leadership position with a group, which students are not acting as Employees of Dalhousie
  - e. "Employee(s)" means any person employed by the University and may include students.
  - f. "Restorative process" refers to processes designed to create meaningful reflection and interaction between respondents and complainants (or others impacted by a Hazing incident) for educational and healing purposes. Use of restorative processes does not preclude other remedies or sanctions.
  - g. "Unit Head" means:
    - a. For Varsity Athletics, the Athletics Director.
    - b. For residences, the applicable Residence Life Manager.
    - c. For Dalhousie Student Union societies and clubs, the Vice President (Internal) of the Dalhousie Student Union.
    - d. For intramurals and clubs, the Student Life Manager.
    - e. For academic student activities, the Dean of the Faculty connected with the impugned activity.
    - f. For all other student activities not specifically addressed in this definition, the Executive Director, Student Life.

#### **D. Policy**

1. No member of the University community shall be involved in planning, implementing, or participating (actively, passively or as a bystander) in Hazing.
2. It is no defence to an allegation of Hazing that:
  - a. Express or implied consent of the student was obtained or participation was voluntary;
  - b. The conduct or activity was not part of an official group or was otherwise sanctioned or approved; or
  - c. The conduct was not an explicit condition or affiliation of membership with the organization or group.
3. Where a member of the University community has reasonable grounds to believe that Hazing is occurring or has occurred, he or she is under a positive obligation to take all

reasonable steps to stop the Hazing and report Hazing promptly under this Policy.

4. All members of the University community shall cooperate in any investigation process initiated under this Policy.
5. There will be no retaliation against any person on account of an allegation or an expressed intention to make an allegation under this Policy or on account of evidence or assistance given in relation to a proposed allegation under this Policy. Disciplinary action in response to retaliation will be addressed in accordance with applicable disciplinary processes.
6. Any communication or information gathered in any case is confidential except to the extent that disclosure is necessary to effectively implement this Policy or to undertake any disciplinary or remedial steps arising from a decision made under this Policy. Disciplinary action in response to a breach of confidentiality will be addressed in accordance with applicable disciplinary processes.
7. An allegation made in bad faith (with a conscious design to mislead or deceive, or with a malicious or fraudulent intent) may constitute grounds for disciplinary action against the Complainant, which will be addressed in accordance with applicable disciplinary processes.
8. All allegations of Hazing shall be reported in accordance with the terms of this Policy.

#### **E. Administrative Structure**

1. Authority: This Policy falls under the authority of the Provost.
2. Executive Director, Student Life: The Executive Director, Student Life is responsible for promoting the objectives of this Policy, receiving allegations of Hazing and determining the appropriate process for investigating allegations of Hazing.
3. Hazing Allegation Investigators: There shall be three Hazing Allegation Investigators who shall be responsible for conducting investigations into allegations of Hazing referred to the Investigation Committee. All Hazing Allegation Investigators shall be appointed by the Vice-Provost, Student Affairs. The Hazing Allegation Investigators shall include the Manager of Student Conflict Resolution, a representative from Security Services and an individual not from those offices who has investigative experience.
4. Hazing Committee: There shall be a Hazing Committee comprising the three Hazing Allegation Investigators, the Executive Director, Student Life, the Manager of Student Conflict Resolution, a representative from Security Services and a representative from Legal Counsel Office who shall meet at least once a year to discuss any issues arising out of this Policy.
5. Conflicts of Interest: Where the Vice-Provost, Student Affairs is unable to discharge his or her responsibilities under this Policy in relation to a particular allegation due to a potential conflict of interest, as defined by the University Policy on Conflict of Interest, his or her responsibilities

under this Policy shall be assigned to the Vice-President Academic or designate. Where the Executive Director, Student Life is unable to deal with an allegation of Hazing, his or her responsibility under this Policy for the purpose of the allegation in question shall be assigned to the Vice-Provost, Student Affairs.

6. Record-keeping: Records of all allegations, investigations, and decisions made under this Policy will be kept separate from all other university records and will be maintained and stored securely and confidentially under the care and control of the Executive Director, Student Life.
7. Annual Reporting to the Vice-Provost, Student Affairs: At the end of each academic year, the Executive Director, Student Life will deliver an annual report to the Vice-Provost, Student Affairs which will include
  - a. The number of allegations received under this Policy;
  - b. A representation of the allegations by kind of outcomes (e.g., dismissal of allegations, departmental resolution, investigation through Code of Student Conduct, etc);
  - c. A representation of the outcomes applied as a result of a finding of Hazing.

### **F.1 Reporting Procedures**

1. Safe Reporting: There may be exceptional situations where an individual has a reasonable concern that his or her personal safety may be compromised by raising an allegation of Hazing. Such persons may initiate a confidential conversation with the Executive Director, Student Life or submit an anonymous written allegation to the Executive Director, Student Life. Where considered appropriate, the Executive Director, Student Life may accept unwritten anonymous complaints in a form the Executive Director, Student Life, deems appropriate. Whether or not an anonymous allegation can proceed in the absence of an identified Complainant will be determined by the Executive Director, Student Life, in his or her sole discretion, having regard to all of the circumstances of the case and the evidence available. If the individual does not feel safe reporting to the Executive Director, Student life they may file an allegation through the Office of Human Rights, Equity and Harassment Prevention.
2. Confidential Consultation: If a person is uncertain whether an activity or activities constitute Hazing, he or she may contact the Executive Director, Student Life to discuss the matter on a confidential basis.
3. Who may make allegations: Allegations of Hazing may be made by any member of the University community who has reasonable grounds to suspect that Hazing is occurring or has occurred.
4. Filing Allegations of Hazing: Other than complaints arising from Varsity Athletics as set out in Section F.2 of this Policy, allegations of Hazing must be made in writing to the Executive Director, Student Life as promptly as possible upon becoming aware of the alleged Hazing. Allegations should include supporting documentation and information where available.
5. Process advice: The Executive Director, Student Life will provide any Complainant with a copy of this Policy and will explain the processes for dealing with allegations under this Policy.

6. Initial Assessment: Within 10 business days of receipt of the allegation, the Executive Director, Student Life shall make an initial assessment of the allegation. The Executive Director, Student Life may request further information from the Complainant or others if required to assist in the assessment. The Executive Director, Student Life may:
  - a. Conclude that the allegation does not establish sufficient evidence to warrant further consideration, and advise the Complainant that the matter will be discontinued.
  - b. Conclude that there is sufficient evidence of possible Hazing to warrant further consideration; or
  - c. Conclude that the allegation(s) may raise an issue of illegal activity and notify the appropriate authorities.
  
7. Process Determination: In the event the Executive Director, Student Life concludes that there is sufficient evidence of possible Hazing to warrant further consideration he or she will refer the matter to one of the following processes:
  - a. Allegations shall be referred to the Unit Head in accordance with the terms of this Policy where the alleged Hazing involved no more than one Respondent and where the remedies and sanctions available to a Unit Head are sufficient for a reasonable resolution given the impact of the hazing.
  - b. Allegations shall be referred to the Code of Student Conduct in accordance with the terms of this Policy where the alleged Hazing involved no more than two Respondents and where the remedies and sanctions available to a Unit Head are insufficient for a reasonable resolution given the impact of the hazing.
  - c. Allegations shall be referred to the Investigation Committee where the alleged Hazing involved more than two Respondents.
  
8. Extraordinary Interim Remedies: In extraordinary circumstances, where the Executive Director, Student Life has reasonable basis to believe that evidence necessary to assess the allegation of Hazing will not be appropriately preserved or that there is a risk of significant continuing harm, the Executive Director, Student Life may, with or without notice to the Respondent(s), cause the appropriate administrative officers to locate, collect, inventory and secure all of the relevant original records, or copies if the originals are unavailable, to prevent the loss, alteration or fraudulent creation of records.
  
9. Extension of Time Limits: Any time limit set out in this Policy may be extended at the discretion of the Executive Director, Student Life where there is a *bona fide* reason to do so and where those affected by the allegation will not be unduly prejudiced.

## **F.2 Reporting Allegations – Varsity Athletics**

1. Filing of Allegations – Varsity Athletics:

- a. Allegations of Hazing in Varsity Athletics which are reported to the Varsity head coach, or which the Varsity head coach becomes aware of, shall be dealt with in the first instance by that head coach.
- b. Each allegation of Hazing reported to the head coach shall be reported to the Director, Varsity Athletics and the Executive Director, Student Life, including a report of any restorative, remedial and disciplinary action taken by the head coach. The Director, Varsity Athletics shall determine if the matter needs to be referred to the Executive Director, Student Life for further action under this Policy.
- c. Varsity athletes shall, in all circumstance, be permitted to report instances of Hazing directly to the Executive Director, Student Life.
- d. In circumstances where the head coach has already taken action, the Executive Director, Student Life shall determine if further action is required under this Policy.

### **F.3 Procedures for Matters Referred to Unit Heads**

1. Referral to the Unit Head: If the Executive Director, Student Life concludes that there is sufficient evidence of possible Hazing to warrant a referral to the Unit Head for assessment the Executive Director, Student Life shall provide the Respondent with a copy of the Allegation, a copy of this Policy and notice of the Procedures under which the allegation will be investigated. A copy of the notice to the Respondent and the allegation will also be forwarded to the Unit Head.
2. Assessment: Within 10 working days of receipt of the referral the Unit Head will assess the allegation in accordance with the following process:
  - a. The Unit Head will meet with Complainant(s) to give him or her an opportunity to present his or her allegation and to identify other relevant information and witnesses;
  - b. The Unit Head will then meet with the Respondent (s), to give him or her an opportunity to address the allegation and identify relevant information and witnesses.
  - c. The Unit Head may meet with any other individuals whom they deem relevant to the allegation, and may request access to, or production of, records or information that they deem relevant to the assessment.
  - d. The Unit Head will document the information provided in each of the meetings set out in subsections (a), (b) and (c) above.
3. Referral Back to the Executive Director, Student Life: If at any point during the assessment process the Unit Head determines that the allegations of Hazing are more severe than initially anticipated, he or she may, in consultation with the Executive Director, Student Life, refer the matter back to the Executive Director, Student Life for a re-determination of the appropriate process.

4. Decision: The Unit Head shall, having regard to all information received during his or her assessment of the allegation, make a determination of whether there has been Hazing, and if there has been Hazing, what restorative processes, remedies and/or sanctions will be imposed.
5. Restorative Process, Remedial Action and Sanctions: In each case where the Unit Head determines that a student, who is not acting in his/her role as an Employee, has participated in Hazing the Unit Head may impose one or more of the following:
  - a. In conjunction with the advice of the Manager, Student Conflict Resolution, a restorative process to engage respondent(s) in meaningful reflection and action with those impacted by the Hazing incident;
  - b. Temporary removal from a group;
  - c. Temporary loss of access to facilities or support services;
  - d. Participation in educational or remedial programs;
  - e. Community service;
  - f. Any other sanction which does not otherwise permanently impact the individual's privileges.
6. Employees: In a case where the Unit Head determines that an Employee, including a student acting in their role as an Employee, has participated in Hazing, the matter shall be referred to Human Resources to be addressed in accordance with applicable employee disciplinary processes.
7. Communication of Decision: The Unit Head will report in writing the outcome of the case to the Respondent in ways that appropriately address any privacy and security issues. Where the Complainant has a legitimate interest in the outcome of an investigation, the Unit Head will report in writing to the Complainant in ways that appropriately address any privacy or security concerns.
8. Reporting of Decisions: The outcome of each assessment shall be reported to the Executive Director, Student Life, including a report of any sanctions or remedies imposed.

#### **F.4 Procedures for Matters Referred to the Code of Student Conduct**

1. Referral to Vice-Provost, Student Affairs: The Executive Director, Student Life shall forward the written allegation to the Vice-President Student Services in accordance with the Code of Student Conduct. Following referral to the Vice-Provost, Student Affairs all issues arising out of the allegation, including appeals, shall be dealt with in accordance with the Code of Student Conduct.

#### **F.5 Procedures for Matters Referred to the Investigation Committee**

1. Notifying the Respondent: If the Executive Director, Student Life concludes that there is sufficient evidence of possible Hazing to warrant a referral to the Investigation Committee the Executive Director, Student Life shall provide the Respondent with a copy of the Allegation, a copy of this Policy and notice of the Procedures under which the allegation will be investigated.
2. Representation: Respondents may have representation if they choose.

3. Informal Resolution: Prior to initiating an investigation, the Executive Director, Student Life will explore the possibility of informal resolution. Attempts at informal resolution may be made at any stage of the process. Any informal resolution shall be with the consensus of the Respondent(s) and, where the Complainant has a legitimate interest in the outcome of an investigation, the Complainant.
4. Investigation: If informal resolution is not reached within 10 working days of notifying the Respondent, the Executive Director, Student Life shall initiate an investigation. The investigation shall be concluded (including the delivery of the investigation report set out in section F.5.13) within 60 calendar days of its initiation, in accordance with the following process:
  - a. The Executive Director, Student Life will provide the Respondent(s) 10 working days to provide to the Executive Director, Student Life his or her written response to the allegation.
  - b. The Executive Director, Student Life will appoint an Investigation Committee comprising two of the Hazing Allegation Investigators.
  - c. The Executive Director, Student Life will provide the Investigation Committee with a copy of the Allegation, the Response, and will provide guidance on the process.
  - d. The Investigation Committee will meet with the Complainant(s) to give him or her an opportunity to present his or her allegation and to identify other relevant information and witnesses.
  - e. The Investigation Committee will then meet with the Respondent(s), to give him or her an opportunity to address the allegation and to identify other relevant information and witnesses.
  - f. The Investigation Committee may meet with any other individuals whom they deem relevant to the allegation, and may request access to, or production of, information or records that they deem relevant to the allegation.
  - g. The Investigation Committee may meet subsequently with the Complainant(s) and/or the Respondent(s) in light of information they have received in the course of the investigation.
  - h. The Investigation Committee will have a note-taker present at all meetings with the Complainant(s), the Respondent(s) or other individuals who are deemed relevant to the allegation.
  - i. Each interview will be summarized in writing by the Investigating Committee in the form of an interview report, which will be forwarded to the interviewee for confirmation that the report fairly summarizes the interview. In the event an interviewee believes that the report does not fairly summarize their interview they may provide written comments to the Investigating Committee which must be provided to the Committee within two working days of receiving the report.

5. Investigation Report: The Investigation Committee will review all of the information gathered in the course of the investigation and submit an investigation report to the Executive Director, Student Life that includes:
  - a. A summary of the allegation(s);
  - b. A summary of the response;
  - c. An analysis of the evidence relevant to the matters raised;
  - d. Findings of fact with respect to the allegation(s) together with supporting reasons;
  - e. A determination of whether there has been Hazing;
  - f. Where Hazing is found, an assessment of the severity of the Hazing and a review of any mitigating factors; and
  - g. Where Hazing is found, recommendations on appropriate restorative processes, remedies and sanctions.
  
6. Consideration by Vice-Provost, Student Affairs: The Executive Director, Student Life will forward the investigation report to the Vice-Provost, Student Affairs. The Vice-Provost, Student Affairs may request additional information or clarification from the Executive Director, Student Life if necessary to make a determination.
  
7. Outcomes:
  - a. The Vice-Provost, Student Affairs shall consider the report and, where a finding of Hazing has been made, make and record a decision as to what sanctions or remedies will be imposed.
  
  - b. In the event that the Vice-Provost, Student Affairs imposes remedies or sanctions which differ from the recommendations of the Investigation Committee, the Vice-Provost, Student Affairs shall also include in the record a summary of the nature and basis of the Investigation Committee's recommendations and the reason(s) forming the basis for the alternate recommendation.
  
8. Remedies and Sanctions: In each case where the Vice-Provost, Student Affairs determines that a student, who is not acting in their role as an Employee, has participated in Hazing he or she may impose one or more of the sanctions and remedies:
  - a. Suspension of some or all individual or group privileges.
  - b. Placing the group or individuals on non-academic probation for a set period of time.
  - c. Removal from a group, including varsity athletic teams.
  - d. Removal from leadership positions with groups (group executive, team captaincy, etc.).
  - e. Loss of access to facilities or support services.
  - f. Mandatory education sessions for executive and/or members.
  - g. Community service.
  - h. Financial restitution and compensation for any loss, damage or injury.
  - i. Any other sanction which is considered appropriate in the circumstances.

9. Employees: In each case where the Vice-Provost, Student Affairs determines that an Employee, including students who are acting in their role as an Employee, has participated in Hazing the matter shall be referred to Human Resources to be addressed in accordance with the applicable employee disciplinary processes.
10. Communication of Decision: The Vice-Provost, Student Affairs will report in writing the outcome of the case to the Respondent in ways that appropriately address any privacy and security issues. Where the Complainant has a legitimate interest in the outcome of an investigation, the Vice-Provost, Student Affairs will report in writing to the Complainant in ways that appropriately address any privacy or security concerns.

#### **F.6 Appeals:**

1. Unit Head Decisions – All decisions of the Unit Head are final and there is no appeal of those decisions.
2. Varsity Head Coach Decisions - All decisions of the Varsity head coaches are final and there is no appeal of those decisions.
3. Vice President Student Services Decisions –
  - a. Decisions made by the Vice-Provost, Student Affairs shall be appealable to the Senate Appeals Committee.
  - b. Appeals must be filed within 30 calendar days of the date the student was notified of the decision.