



UNIVERSITY OF CALGARY
Residence Services

Residence Conduct Procedures

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Introduction

This document outlines the procedures used by Residence Services at the University of Calgary to address violations of its policies in Residence.

All Residents are responsible for abiding by the terms laid out in their Residence Services Agreement or Residential Tenancy Agreement (“Agreement”), as well as the Residence Community Standards (RCS), in addition to other University policies that may apply. The Agreement, RCS, associated procedures, and applicable University Policies promote:

- A safe and enjoyable experience for all Residents
- The preservation and protection of University property
- Efficient operations of Residence Services
- Fair and appropriate outcomes that align with the nature of the violation
- learning opportunities for students in residence to become exemplary tenants and community members within Residence, and in their future communities

Section 1: Application and Jurisdiction

The Agreement is a legally binding contract between an occupant or tenant (henceforth referred to as the “Resident”) and the University of Calgary. Violations of the Agreement will be handled according to the Breach of Agreement Process and *Residential Tenancies Act* (RTA), where applicable.

The RCS is an appendix to the Agreement. Failure to abide by the RCS may be considered a violation of the Agreement and in some cases, could result in termination of the Agreement.

The RCS exist to create an environment where all Residents can be engaged members of a community that values academic pursuits, a sense of belonging, personal growth, and wellness. The RCS outline various expectations for all Residents that ensure safety, civility, and inclusivity. The process for addressing violations of the RCS is intended to be educational in nature. The University reserves the right to respond to violations of the RCS as violations of the Agreement when it decides that the RCS process is not appropriate for the alleged violation.

All Residents are responsible for both knowing and following the terms of the RCS and the Agreement applicable to them while living in Residence. Decisions about potential violations will be made on a “balance of probabilities” standard. This means that Residence Services staff consider what is most likely to have happened based on the information available to them.

Section 2: Other University Policies that May Apply to Residents

Information on University policies and procedures can be found here: ucalgary.ca/legal-services/ucalgarys-policies-and-procedures.

Below are *some* University policies that Residents should review and become familiar with while living in Residence:

- The University of Calgary Code of Conduct: ucalgary.ca/legal-services/university-policies-procedures/code-conduct

- Student Non-Academic Misconduct Policy: ucalgary.ca/legal-services/university-policies-procedures/student-non-academic-misconduct-policy
- Alcohol Policy: ucalgary.ca/legal-services/university-policies-procedures/alcohol-policy
- Cannabis Policy: ucalgary.ca/legal-services/university-policies-procedures/cannabis-policy
- Harassment Policy: ucalgary.ca/legal-services/university-policies-procedures/harassment-policy
- Sexual and Gender-Based Violence Policy: ucalgary.ca/legal-services/university-policies-procedures/sexual-and-gender-based-violence-policy
- Smoking Policy: ucalgary.ca/legal-services/university-policies-procedures/smoking-policy

Residence Services is committed to preventing and addressing sexual violence as well as harassment in accordance with the policies above. Complaints related to sexual violence in Residence will be responded to in accordance with the Sexual and Gender-Based Violence Policy, and with the support of the Sexual and Gender-Based Violence Prevention and Support Office.

Violations of University policies in Residence will be addressed in accordance with the procedure of the relevant policy and may result in sanctions up to and including termination of the Agreement.

Section 3: Complaints in Residence

The purpose of this section is to outline the process by which the University will respond to an allegation of a violation of the RCS or the Agreement.

Complaints in Residence

Residence Services may become aware of a violation of policy through reports from Campus Security, staff members including Community Ambassadors (CAs), or Residents themselves. Residents may submit a complaint to their CA in person or via email. Residents can also submit a complaint via email to the Campus Service Centre at campusservicecentre@ucalgary.ca. A complaint should include a detailed description of the incident including the name(s) and/or room number(s) of the Resident(s) involved, dates and times of the incident.

If Residence Services becomes aware of substance use that contravenes a Residence or other University policy in the context of an individual seeking emergency medical assistance, the priority in responding to the report will be to help the individual requiring medical assistance.

Residence Services will follow up with those involved through the processes outlined in this document, including connecting individuals with resources and supports to assist in the process. In cases where the allegation engages the Student Non-Academic Misconduct Policy, the student will be contacted by a representative of the Student Conduct Office.

Rights & Responsibilities of Residents

Every individual has rights and responsibilities within any given community, and Residence at the University of Calgary is no exception.

Residence Services affirms the values outlined in section 4.1 of the Student Non-Academic Misconduct Policy, which states that, "The University endeavors to create and maintain a positive and productive learning environment; an environment in which there is: a) respect for the dignity of all, b) fair treatment of individuals, c) respect for academic freedom, and d) respect for University resources and the property of individuals."

As such, Residents who are involved in a complaint alleging that they have violated the RCS and/or the Agreement can expect:

- to be notified by Residence Services and given all relevant and necessary information on which a decision will be made;
- that decisions will be made in a transparent manner, and without bias;
- Residence Services to follow its processes as outlined, including respecting timelines for resolving a complaint;
- sanctions and/or consequences that are proportionate to the nature of the concern;
- to be treated with dignity and respect throughout the process, and to be provided with any relevant supports as required.

All Residents are expected to:

- understand and abide by the terms of their Agreement, including the RCS;
- regularly and diligently monitor communication sent to them by Residence Services, including communications sent through Maxient and/or the Resident Portal;
- engage respectfully with others in the process of resolving complaints in Residence;
- understand and follow the terms of any sanctions assigned to them through this process.

Section 4: Breach of Agreement Process

If, based on the information available and on a balance of probabilities, it is found that a Resident (through their own actions, or those of their guest) has:

- violated the terms of the Agreement;
- violated the Cannabis Policy within the Residence Complex; or
- violated the Smoking Policy within the Residence Complex,

Residence Services will contact the Resident to inform them of the violation and ensure any issues are resolved (i.e., prohibited items have been removed from a Resident's unit, Residence staff will attend to assess whether a deep cleaning is required, etc.).

In cases of repeated or serious violations of the Agreement, a Resident could be invited to attend a meeting with a staff member to discuss the incident and possible outcomes.

In cases where University property has been damaged, regardless of intent, the Resident may be sent an "Incident Notification" alerting the Resident that they are liable for any fees associated with repair, replacement or restoration. Residents may contact their tenant insurance provider (ucalgary.ca/ancillary/residence/move-in/tenant-insurance) to inquire about the possibility of coverage. Residents are encouraged to contact resaccts@ucalgary.ca well in advance if they are unable to make payments as scheduled. A Resident may also be assigned one of the Outcomes below.

Outcomes

Possible outcomes following a meeting with a staff member include:

- a formal warning;
- monetary restitution for damages or incurred costs;

- reassignment to an alternate room, suite, apartment, building, or townhouse;
- indefinite or time-limited Residence Probation (future violations of a similar nature will result in more severe sanctions);
- indefinite or time-limited Residence Withhold (voids any future Residence offer or booking, prohibits re-applying to live in Residence, and bans the Resident from the Residence Complex once the current agreement ends);
- recommendation for Termination of the Agreement.

Termination of the Agreement by the University of Calgary

Residence Services may terminate the Agreement in cases where there have been repeated or serious violations of the Agreement (including the RCS) or a University Policy.

Residence Services will inform a Resident if termination of their Agreement is being considered as a possible outcome of a Residence process.

If, following the meeting, the Residence Services staff member recommends Termination of the Agreement, the Resident will generally be scheduled to meet with the Manager, Residence Life and the Manager, Housing Services to provide their perspective and any additional information they wish to offer. Residence Services will decide whether to terminate the Agreement based on the terms of the Agreement, the information outlined in the decision letter recommending termination, as well as the information provided by the Resident. If the Resident does not attend this meeting, a decision will be made based on the information available. Residence Services will generally provide the Resident with a decision within three (3) business days of the scheduled meeting.

Residents whose Residence Agreement is terminated will be sent a termination notice. Residents are required to follow all directions in a termination notice. Unless otherwise communicated to the Resident, bans to the Residence Complex are in effect until further notice.

Termination of a Residential Tenancy Agreement prior to the end of the fixed-term occupancy will be managed in accordance with the RTA.

Section 5: Community Standards Conduct Process

The Community Standards Conduct Process is intended to be educational and provide opportunities for Resident development in terms of responsibility, being accountable for one's actions, and understanding community impact. This process aims to reduce the likelihood of future violations and promote the safety and wellbeing of the Residence community.

If it is alleged that a Resident (through their own actions, or those of their guest) has violated the terms of the RCS, Residence Services will contact the Resident to inform them of the evidence and information related to the alleged violation and next steps.

Resolution Without a Hearing

In some cases, alleged violations of the RCS will not require a meeting (referred to as a "Hearing") with a Residence Life Coordinator. These may include incidents where Residence Services is satisfied that the incident was addressed sufficiently by a staff member or CA in the moment, or in a follow-up meeting or correspondence to discuss the incident (i.e., through an alternative resolution process or a warning

letter). In these cases, the resident will receive communication from a Community Ambassador (CA) or a Residence Life Coordinator (RLC) summarizing the incident report, and:

- explaining why no further action will be taken at that time;
- summarizing the discussion that took place with the student to confirm expectations;
- providing written expectations going forward; or
- providing a finding of responsibility based on the information available and provide a written warning about the behaviour (or other sanction, as appropriate).

This decision about whether to hold a Hearing with a Residence Life Coordinator to discuss the incident will be based on a number of factors, including:

- whether sufficient information about the incident is available;
- whether the Resident is a student;
- policies allegedly violated;
- the impact of the incident on the Residence community;
- past violations in Residence.

A Residence Services staff member will decide whether a Hearing is appropriate for an alleged violation of the RCS.

Hearings

In appropriate cases Residents who are alleged to have violated the RCS will be invited to attend a Hearing with a staff member to discuss the incident.

The Resident will be informed of the Hearing in a letter sent to their UCalgary email, or to the email provided at the time of application for affiliates, which will include:

- the evidence and information related to the alleged violation;
- what policies may have been violated (including links to those policies);
- the purpose of the meeting;
- who the decision-maker will be; and
- the date, time, and location of the meeting.

Residence Staff will endeavour to schedule Hearings two (2) business days from the date the Resident is notified.

The Hearing is an opportunity for the Resident to provide an explanation of the extent of their involvement in the incident(s), and present additional information to the staff member deciding whether a violation has occurred. Whenever possible, the Hearing is an opportunity for Residents to develop or demonstrate their understanding of how certain behaviours impact the Residence community, reflect on their own decision-making, and take accountability for their behaviour as it relates to the incident(s) in question. Residents may decide not to attend this meeting, and in those cases, a decision will be made based on the information available.

Advisors

Residents can bring an advisor to the Hearing with them. The advisor's role is to provide support to the Resident as another party in the meeting, but they are not a participant in the meeting and cannot answer questions on the Resident's behalf.

Residents who wish to bring an advisor with them to a Hearing must provide written notice to the staff member at least 24 hours in advance of the Hearing. If the Resident is not able to provide 24 hours' notice, they can request that an exception be made to allow their advisor to attend on short notice. The staff member holding the Hearing may allow the request, choose to re-schedule the Hearing, or decide that the Hearing should proceed as scheduled without an advisor present. The Resident may be required to choose a different advisor if Residence Services determines that their first choice would not be appropriate. The staff member will provide an explanation for concerns about the chosen advisor, or timing of a request for an advisor to attend. Please note that CAs, members of the Residence Appeal Board, and members of the Residence Student Leadership Council may not serve as advisors in these meetings.

Decision Letters

After the Hearing, the Resident will receive a written decision letter within ten business days of the Hearing indicating whether they have been found responsible for violating any policies, and a rationale for that decision.

If a Resident is found responsible for violating the RCS, this letter will also outline any assigned sanctions. This letter will also include information regarding appeals.

Residence Services may extend timelines for the Hearing or Decision Letter within reason by giving written notice to the resident.

Sanctions

If a Resident is found responsible for violating a policy, the decision maker will assign appropriate sanction(s) in accordance with the relevant policy.

The staff member will not consider a Resident's previous violations when determining whether they are responsible for violating a policy; however, this will be considered when determining sanctions.

Sanctions may include, but are not limited to:

- a written warning;
- educational sanctions (i.e., reflective assignments, restorative measures, substance use assessments, community service, or other discretionary sanctions assigned as appropriate);
- loss of privileges (i.e., no longer being able to have guests or enter certain buildings);
- no-contact orders (i.e., no longer being permitted to contact another Resident);
- financial sanctions (i.e., fines or restitution to any impacted parties that will be added to a student account);
- a letter of behavioural expectation (a signed agreement to refrain from engaging in certain behaviour and the agreed-upon consequences if the agreement is broken);
- Residence Probation for a specific policy section or for all policies (future violations of a similar or any nature will result in more severe sanctions);

- Reassignment;
- Residence Withhold;
- Termination of the Agreement; or
- any other appropriate sanction as determined by the deciding staff member.

Failing to complete or comply with assigned sanctions is a violation of the Residence Community Standards, and may result in additional sanctions, including a monetary fine for non-compliance.

Section 6: Residence Student Leader Expectations

Residents who seek to serve their community through voluntary leadership activities in Residence, including as Community Ambassadors, the Residence Appeal Board, as well as the student executives of student groups such as the Residence Rainbow Council, are expected to provide a positive example to other community members.

Residents in these positions are expected to be in “Good Conduct Standing” with both the University of Calgary’s Student Conduct Office and Residence Services. This means that individuals are not currently under a sanction of either Residence Probation or Probation for Non-Academic Misconduct. Unless otherwise stated in the terms of their position, if a Resident in one of these positions is no longer in “Good Conduct Standing”, they will no longer be permitted to serve in that position. Residence Services may check the conduct standing of these Residents to ensure compliance with this requirement at any time.

If a Resident in a leadership position is found to have violated either their Agreement or the RCS, Residence Services will contact them to discuss the violation.

Residents who are assigned the sanction of Residence Probation are not eligible to serve on these organizations until their probationary period has ended and the Manager, Residence Life or their delegate has met with the potential student leader to see if they are a good fit for a student leadership position within Residence.

Section 7: Appeals

Requests must be submitted within five (5) business days of the decision letter’s date.

Appeal requests must contain sufficient reasons for why the appeal request should be granted. This could include:

- providing new information that has become available since the decision was made, and would have significantly impacted the outcome;
- explaining how the decision-maker demonstrated bias in the process;
- explaining how proper procedures as outlined here were not followed;
- explaining why the sanctions applied were not appropriate or exceeded the nature of the violation.

Appeal requests will be reviewed by the Manager, Residence Life or their delegate. A decision regarding the appeal request will be communicated to the Resident within five (5) business days of the Resident submitting their request through the online form, found here:

cm.maxient.com/reportingform.php?UnivofCalgary&layout_id=14.

If the request for an appeal process is granted, the process will normally be completed (and a written decision regarding the appeal provided to the Resident) within twenty (20) business days. In extenuating circumstances, timelines may be extended by the Manager, Residence Life or their delegate, with written notice to the Resident.

Section 8: Confidentiality and Access to Records

A Resident's personal information is confidential. Staff will not share information with other Residents, parents or guardians. Criminal activity will be reported to Campus Security and may be reported to the Calgary Police Service. Residents are required to provide an emergency contact via the Residence Portal application process. In the event of an emergency, Residence Services may contact your emergency contact.

When there is reasonable cause to do so, any case or situation may be referred to other campus offices, including Student Wellness Services, the Student-at-Risk team, Campus Security, and the Student Conduct Office.

All records related to conduct processes will be confidentially stored. Information related to allegations or violations will only be shared with those who have a legitimate need for the information, and in accordance with the University's Privacy Policy.

Section 9: Critical Situation Procedures

A Resident who perceives any possibility that a person may be in danger or pose some risk should immediately contact Campus Security (403.220.5333). In emergency situations, call 911 first, then Campus Security.

There can be critical situations requiring special authority and processes due to heightened concern for safety, security, health, or wellbeing. The following procedures are in place to facilitate swift action to protect an individual or community in such situations. They supersede the regular procedures for alleged RCS violations.

A Residence Services manager (or designee) is authorized to assess whether a critical situation exists, including whether:

- a Resident has harmed another individual or appears to pose a threat;
- a Resident has been harmed by another individual or appears to be in danger;
- a Resident has inflicted self-harm or appears to be at imminent risk of inflicting self-harm;
- a severe incident involving incivility has occurred; or,
- a risk to public health exists.

The Residence Services manager, or delegate, in consultation with the Student Conduct Office, Campus Security, or Student Wellness Services is authorized to act quickly and decisively in all matters associated with a critical situation, including:

- determining the appropriate response;
- applying sanctions on an interim basis;
- relocating those involved on an interim basis;

- issuing a trespass notice on an interim basis; or,
- applying further sanctions or taking further steps if those involved fail to respond or comply.

If further action is required, including relocation of a Resident, termination of an Agreement, or other sanctions, a Resident may be involved in a subsequent meeting to determine whether any or all steps should be made permanent, modified, or discontinued. Such meetings will be held as soon as possible, considering staff and Resident availability, time required to investigate the situation, and other contextual factors.