

RESIDENCE COMMUNITY LIVING STANDARDS

2018/2019

Mohawk College Residence, 245 Fennell Avenue West, Hamilton, ON L9C 7V7

The residence community is a place that promotes a safe and peaceful environment that supports the academic success of Residents as well as their personal and social development. We aim to ensure that it is inclusive, responsible, and respectful. The Residence Community Living Standards (RCLS) has been created in consultation with students and staff at colleges and universities across Canada to ensure the residence environment achieves this goal.

Within the RCLS, the following items are discussed and defined:

1. **The People in the Residence Community** (the Residence Staff and their roles)
2. **Objectives of the Residence Community Living Standards** (our goals for the community)
3. **Rules that Affect You in Residence** (residence rules, Mohawk College policies & Canadian laws)
4. **Residence Citizenship** (your rights, responsibilities and privileges)
5. **Violations and Sanctions** (rules and consequences)
6. **Judicial Procedures** (incident reports, meetings, and appeals)

1. THE PEOPLE IN THE RESIDENCE COMMUNITY

Our Residence Staff work hard to ensure that you have a positive experience in residence and at Mohawk College. Below is a list of some of those people and their roles. The objectives of the RCLS, which is explained in the next section of this document, is our expression of the commitment we make to ensuring everyone has a positive experience in residence.

GENERAL MANAGER (GM)

The General Manager is responsible for the operation of all facets of the Mohawk College Residence. The GM is committed to ensuring that your overall experience in residence is a safe, enjoyable and successful one.

RESIDENCE LIFE COORDINATOR (RLC)

The Residence Life Coordinator is responsible for all matters related to student life, including overseeing the residence life program and administering disciplinary action. The RLC supervises the Resident Advisors. To make an appointment with the RLC, stop by the front desk.

RESIDENT ADVISORS (RA)

The role of Resident Advisor is filled by students who drive the social activities and community building within the Residence. Resident Advisors provide valuable support and guidance to residents, while at the same time acting as a liaison with Residence Management. The Resident Advisors complete nightly rounds of the building and are available through the Residence Life Office or the Front Desk. Resident Advisors are a great resource. They have the tools and knowledge to get you the answers, direction and/or assistance you need, or can simply be someone to talk to.

2. OBJECTIVES OF THE RESIDENCE COMMUNITY LIVING STANDARDS

- **To create a safe, secure, responsible and respectful community** by outlining the positive standards of behaviour expected within the residence community and holding Residents and their Guests accountable for behaviour that violates these standards and encouraging Residents to resolve their community living issues in a mature fashion.
- **To create an environment conducive to academic success** by promoting behaviour among Residents and their Guests that creates an effective learning environment.
- **To create an environment conducive to personal growth and development** by educating Residents about the effect that their choices may have on themselves and others around them and providing Residents with an opportunity to learn from their behaviour.
- **To create a fair environment** by following the Principles of Natural Justice and Procedural Fairness and clearly defining the standards and processes that Residents, Guests and Staff are expected to follow.

3. RULES THAT AFFECT YOU IN RESIDENCE

Residence policies and procedures are set guidelines for students that live in residence on Mohawk College's campus. These are detailed in the Student Residence Agreement, the residence website, and the RCLS. Mohawk College practices are related to an individual's status as a student of Mohawk College and their behaviour on campus, which includes residence. Therefore, as a residence student your actions in residence can also affect your status with the College.

Municipal, Provincial and Federal laws and by-laws are related to you being a citizen in the city, province and country. The standards outlined by Residence and Mohawk College are informed by these laws. Residence and Mohawk College Staff aim to ensure that all of these standards of behaviour are respected and maintained.

Normally the Residence policies and procedures and Mohawk College's policies and procedures act independently of one another. However, Residence shares all reports alleging RCLS violations with Mohawk College. In situations that create a concern for the safety and security of students in residence and on campus, all important information will be shared between appropriate Residence and Mohawk College officials.

In serious cases, allegation(s) may be investigated by both the Residence and Mohawk College and the student will be subject to the sanctions under both sets of policies and procedures.

For more information about Residence and Mohawk College practices please refer to the Mohawk College Practices website, www.mohawkcollege.ca/about-mohawk/leadership-and-administration/policies-and-procedures/corporate-policies-and/student for details about:

- Student Rights and Responsibilities
- Student Discipline Associated with Disruptive Behaviour

SCOPE & APPLICATION

The RCLS applies to all Residents and their Guests. They are in effect:

- (a) on Residence property, including in all Residence buildings and the grounds of the Residence;
- (b) at off-campus events sponsored by Residence or a recognized student leadership group in residence;
- (c) when the conduct of a Resident has a substantial link to Mohawk College, direct implications for the proper functioning of Residence; the well-being of Residents; the educational mission of Mohawk College; or the interests or reputation of Residence and/or Mohawk College. This includes any behaviour observed or carried out through an online medium, by using text, audio, video or images, including but not limited to Facebook, YouTube, Instagram, and Twitter will be treated as an Offense detailed within these standards.

AUTHORITY

The RCLS is intended to be clear to all readers. If you have a question, consult a Residence Staff member, as they have the authority to interpret the Standards. The RCLS attempts to identify a range of behaviours that constitute Violations. Residence reserves the right, in extraordinary circumstances, to identify and sanction conduct that may not be specifically described, but which clearly does not support the stated Objectives of the RCLS or Mohawk College Practices.

PROTECTION OF PRIVACY

Residence respects the privacy and personal information of residence students and will comply with the Freedom of Information and Protection of Privacy Act regarding the gathering, retention, safeguarding and disposal of personal information.

All concerning behaviours and allegations of violations documented in Residence Reports will be made available to the Resident, Campus Security and the Office of the Chief Business Development and Ancillary Services as guided by legislation, upon request.

All Residence reports, files and records, both paper-based and electronic, will be kept for a minimum of seven (7) years after the termination of the Student Residence Agreement.

4. RESIDENCE CITIZENSHIP

You are a citizen of the residence community and a student of Mohawk College. You therefore have certain rights and responsibilities. Your privileges are yours to maintain by respecting the rules of Residence and Mohawk College. Rights should NOT be confused with Privileges.

As a good citizen of our Residence Community, you acknowledge in a responsible way your rights, responsibilities and privileges as well as the rights, responsibilities and privileges of others. We hope that you participate in the community in a positive way and you do your part to create and maintain an environment that encourages academic success and social growth.

RESIDENTS' RIGHTS

Within the Residence Community you, as a Resident, have the right to:

- (a) enjoy the rights and freedoms recognized by law, subject only to restrictions that ensure the welfare and advancement of the Residence Community, as detailed in the RCLS,
- (b) be free from discrimination, on the basis of race, ancestry, religious beliefs, physical ability, marital status, colour, place of origin, gender, mental disability, family status, source of income, age or sexual orientation,
- (c) enjoy an atmosphere intended to remain free from behaviour which is reasonably interpreted as unwelcome; including (but not limited to) remarks, jokes or actions which demean another person and/or deny individuals their dignity and respect,
- (d) study, work, read and sleep in your unit/suite/room without undue interference from roommates or others,
- (e) occupy your assigned unit/suite/room and use its furniture, effects and services,
- (f) access to your assigned room/unit,
- (g) expect that unit/suite/roommates will respect your personal property,
- (h) expect reasonable cooperation from others when you are sharing common rooms/facilities,
- (i) live in a clean environment, requiring a joint and equitable effort from you and your unit/suite/roommates,
- (j) reasonable privacy from unit/suite/roommates or others,
- (k) have your concerns considered by Residence Staff,
- (l) have all reported violations investigated in a reasonable amount of time and efficient manner,
- (m) expect confidentiality from Residence Staff with regards to all personal and student conduct related information.

RESIDENTS' RESPONSIBILITIES

With your rights come corresponding expectations of behaviour within the Residence Community. As a Resident you have the responsibility to:

- (a) read, understand and abide by Mohawk College Calendar, codes, practices and regulations, guidelines and processes, including the Student Residence Agreement, the residence website, and the RCLS,
- (b) recognize the authority of all Residence and Mohawk Staff acting in the scope of their position and to be responsive and cooperative in all dealings with them,

- (c) treat with respect, civility, courtesy and consideration all Residents, Residence Staff and Mohawk College Officials and conduct yourself in a way that permits them to be successful academically and/or perform their duties,
- (d) take all actions associated with good citizenship, including reporting violations of Residence and Mohawk College Practices, and taking all reasonable measures to ensure the safety and security of the Residence Community,
- (e) seek help or resources to protect and ensure your personal health, safety and wellbeing, including addressing issues of self-harm which have the potential to occur by action or neglect, including self-abuse, eating disorders, suicide attempts, underage drinking, alcohol abuse or negligence related to health, hygiene or medications,
- (f) attempt to resolve unit/suite/room/community problems on your own before you ask your RA to assist you in this process,
- (g) conduct yourself and contribute in a positive and productive way to the Residence Community through active participation,
- (h) respect the rights, privileges and privacy of your unit/suite/roommates, work with them cooperatively to keep your unit in a clean and tidy condition,
- (i) respect the rights, privileges and property of all other Residents and their Guests, and of the neighbouring community,
- (j) take full responsibility for the conduct of Guests, accompany them at all times within the Residence Complex and ensure that Guests are aware of, and abide by, Residence and Mohawk College practices,
- (k) conduct yourself in a way that ensures the Residence facilities and grounds are kept in good condition, including keeping your assigned room and suite common areas in a clean and sanitary condition,
- (l) secure your personal property and obtain personal contents insurance,
- (m) permit Residence or Mohawk College Staff or its officers entry when there is a reasonable apprehension of danger or harm, or for the purpose of inspecting the condition of the unit/suite/room and its contents,
- (n) be solely liable to Mohawk College for any loss or damage to your room and its furniture, telephone and effects of Mohawk College; liable for loss or damage to the public facilities, furniture and equipment of the Residence, including Common Areas; and liable for any damages caused by Guests,
- (o) actively check your mail, voicemail, and email accounts registered with the residence on a regular basis for messages from Residence Staff,
- (p) carry your Mohawk College ID and show it when requested by Residence or Mohawk College Staff.

RESIDENTS' PRIVILEGES

Privileges enhance the lifestyle in Residence because they add to the pleasure of the academic and social experience. Privileges are granted to Residents upon arrival, based on the principle that Residents are expected to conduct themselves in accordance with the RCLS. There is an important difference between Rights and Privileges. You can expect your Rights to be respected all the time, and you can maintain Privileges with behaviour in accordance with our RCLS. Privileges can be taken away through the judicial process if conduct does not comply with our RCLS.

It is a privilege for you to:

- (a) live in Residence,
- (b) use the Common Areas and Facilities and their furniture, equipment, effects and services,
- (c) have unit/suite/room assignments to live with your friends,
- (d) to live in Residence in future years,
- (e) consume alcohol within your assigned unit/suite/room or as a guest in another resident's unit/suite/room, and only if you are of the legal drinking age,
- (f) use sound broadcast equipment, approved musical instruments or computer speakers or subwoofers,
- (g) invite and host Guests in Residence,
- (h) be a Guest in areas outside your assigned room/unit/building and/or enjoy access to the Residence Complex, outside your assigned room/unit/building,
- (i) participate in events and activities facilitated or sanctioned by Residence.

5. VIOLATIONS AND SANCTIONS

A violation is any unacceptable conduct, action or neglect that violates the RCLS, Student Resident Agreement or Mohawk College's policies. Violations are described and classified based on three levels of increasing severity. Sanctions are the consequences for violations, which are described in detail in subsequent sections of the RCLS. At each level of offense and/or after repeated violations the severity of the sanctions will increase.

Level 1 Violations: Actions that interfere with the rights of another individual or community to the peaceful use and enjoyment of their space in Residence. Normal Point Range: 1-2

Level 2 Violations: Actions that create a significant nuisance and/or disturbance to an individual or community and/or repeated level one violations. Normal Point Range: 2-4

Level 3 Violations: Actions that endanger the safety and security of an individual; significantly compromise or damage personal or Residence/ Mohawk College property; attack the dignity/integrity of an individual; contravene the laws of the land; and/or repeated level two violations. Any Level 3 Offense may warrant an eviction. Normal Point Range: 4-6

The Point System

The point system is designed to help define the seriousness of specific behaviours and to track the frequency and severity of a student's RCLS violations. All violations are associated with points ranging from a value of 1 through 9. All violations have a minimum value of one point. The assigned number of points will depend upon the type of incident and/or its severity. In complex situations where multiple violations occur in the same incident, points will typically be assigned based on the most serious single violation of the RCLS.

Points remain on record until August 15 of each year, or as stipulated upon eviction. After a Resident has been found responsible for a violation, the Resident may be responsible for educational, restorative, or punitive sanctions. Points are assigned for each incident based on the table

below. Points are used in determining the sanctions appropriate for a resident, given their cumulative conduct record, as outlined in the "Sanctions" section below. During sanctioning, decision makers consider a resident's total points, including those assigned for the current violation.

Tier	Points Accumulated	Typical Sanction Examples
I	1 - 3	Warning, Community Service, Educational, Fine, Loss of Privileges, Restitution
II	4 - 8	All Tier I Sanctions, Communication Ban, Transfer/Relocation, Behavioural Contract, Residence Probation
III	9 +	All Tier I, and II Sanctions, Eviction, Recommendation of Charges of non-Academic Misconduct

VIOLATIONS

The violations listed in the RCLS summarize policies stated in the Student Residence Agreement (SRA) and are found to be consistent with Mohawk College policies and values. Where applicable, reference is made to these policies.

Level of Incident	Points Typically Assigned
LEVEL 1	1 - 3
LEVEL 2	2 - 5
LEVEL 3	4 - 9

1. ADVERTISING, SOLICITING, CAMPAIGNING AND SELLING

Note: Residents or other community members who wish to campaign or advertise activities associated with the Residence or Mohawk College is required to speak with a Residence Staff member to seek permission to do so.

LEVEL 1	<ul style="list-style-type: none"> a) Displays in windows or other prominent places promoting alcohol, illegal substances, pornography, or other inappropriate activities or messages. b) Unauthorized advertising, soliciting, promoting, or selling of products, events and services in Residence. c) Unauthorized campaigning in Residence.
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2. ALCOHOL

Note: Alcohol is only permitted to be consumed in individual residence rooms/suite. The legal drinking age in Ontario is 19 years.

LEVEL 1	<ul style="list-style-type: none"> a) Attending Residence Orientation, or other residence events, under the influence of alcohol. b) Open alcohol, where prohibited. c) Possession of single serving glass containers (i.e. beer bottles, coolers). d) Possession of drinking and/or drinking game paraphernalia, including but not limited to funnels, beer bongs, beer pong kits or tables, etc. e) Possession of alcohol beverages with more than 40% concentration of alcohol (by volume). f) Possession of large volume 'common source' alcohol containers. Large volume alcohol containers are defined as: (A) a container that holds more than 355mL of beer, malt liquor, cider, coolers or pre-mixed cocktails or (B) a container that holds more than 750ml of any type of alcohol other than beer such as wine, liquor, or cocktail mixes. Examples of large volume 'common source' alcohol containers include Tallboys, King cans, Quart Bottles, Kegs, Mini kegs, 40ozs, 60ozs and Texas Mickeys.
LEVEL 3	<ul style="list-style-type: none"> g) Consumption or possession of alcohol by residents or guests under the legal drinking age or those on alcohol probation. h) Drinking games or promotion of a social function, activity or contest in which the consumption of beverages is either the primary focus or used as a penalty, typically in response to a specified cue or prompt. i) Imposing the physical effects of intoxication on the Residence Community, for example vomiting, passing out, aggressive or significantly disruptive behaviour, or needing medical assistance. j) Making or selling alcohol in Residence. k) Purchasing or supplying persons under the legal drinking age with alcohol. l) Influencing, forcing and/or promoting the consumption of alcohol by a resident and/or guest on another.

3. CLEANLINESS

LEVEL 1	<ul style="list-style-type: none"> a) Littering. b) Failure to keep Room/common areas in a clean and sanitary condition after use. c) Improper disposal of refuse, including leaving garbage bags outside of your unit/suite/room or outside of designated garbage areas. d) Collection of empty containers, bottles or cans that is judged by Residence Staff, for sanitary reasons, to be beyond recycling purposes. e) Failure to (follow disposal instructions of) dispose of recycling, garbage and/or organics appropriately; including, but not limited to leaving garbage/recycling bags, leaving items on compactor floor, bagging organics with a non-organic bag, failure to break down cardboard, failure to separate recycling/garbage/organics into their designated disposal areas.
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4. DAMAGES AND VANDALISM

LEVEL 2	<ul style="list-style-type: none">a) Marking any surface through action or neglect, that is not deemed normal wear and tear.b) Behaviour that causes, or has the potential to cause moderate damage through actions, carelessness, or negligence.c) Failure to keep your furniture, fixtures and appliances in a good state of repair.d) Damage to, or alteration of Residence Community Resources such as bulletin boards, posters, decorations, etc.
LEVEL 3	<ul style="list-style-type: none">e) Behaviour that causes, or has the potential to cause significant damage through action, carelessness or negligence.f) Willful damage, vandalism or graffiti or neglect that leads to serious damage to the residence, Mohawk College or private property.

5. DISRUPTIVE BEHAVIOUR

LEVEL 1	<ul style="list-style-type: none">a) Throwing, dropping, kicking or knocking objects in, from, or at residence buildings, windows, or stairwells, whether intentional or unintentional.b) Participating in physically-active games or sports inside residence or within the Residence grounds which could disturb residents, staff or the surrounding community or cause damage to facilities or personal injuries.
LEVEL 2	<ul style="list-style-type: none">c) Creating or permitting behaviour in Residence which is a nuisance or annoyance to Residents, Residence Staff, the surrounding community, or to the supplier of services authorized by Residence or Mohawk College. This includes pranks/raids or similar actions that could be damaging to personal, Residence or Mohawk College property or reputation.

6. FACILITIES AND FURNITURE

LEVEL 1	<ul style="list-style-type: none">a) Removal of furniture, appliances, window screens or other fixtures from assigned rooms/units or common spaces and placing them elsewhere.
LEVEL 2	<ul style="list-style-type: none">b) Alteration, renovation or removal of Rooms, furniture, or equipment.c) Installation of unauthorized furnishings, equipment or devices. This includes internet, phone, and cable.d) Failure to keep access clear to electrical panel, heating unit and maintenance access.

7. GUESTS & VISITORS

	<ol style="list-style-type: none">1. A guest is any person who is invited to, accompanied on, accepted or admitted to the residence property where they do not currently reside.2. Residents must sign in their guests at the front desk before they enter the residence.3. The guest must leave one piece of photo identification with the front desk. A health card is not a valid form of identification.4. No visitors will be granted access into the Residence after 2:00am.5. Residents may sign-in up to two (2) guests at a time.6. While each guest is in the Residence, the Resident must remain in the company of the guest at all times until the guest is signed out.7. The guest must sign-out and collect photo identification with the front desk each time they leave residence property, regardless of the length of time spent off property.8. Guests are permitted up to a maximum of two (2) consecutive nights and no more than ten (10) nights in any one (1) given month.9. Guests should not in any way interfere with the rights of a roommate or other Resident to privacy, access, sleep or study at any time or anywhere within the Residence.10. Any non-resident who is invited to, accompanied on, accepted or admitted to the residence property is deemed to be a guest of that Resident.11. Failure to be present does not mitigate or relieve the resident's responsibility for their guest's behaviour. Residents are responsible for their guest's behaviour whether they participated in, condoned or were aware of that guest's behaviour or not. The specific sanction(s) will be determined by the list of possible sanctions for the offense(s) committed by the guest.12. The Residence requires any guests 16 years or younger visiting the residence without a parent/guardian to have a signed form of consent from their parent/guardian. This form will also include contact information for the parent/guardian. The Residence reserves the right to call a parent/guardian in the event of a medical emergency or due to behavioural conduct.
LEVEL 1	<ul style="list-style-type: none">a) Failure to sign-in/sign-out Guests at the front desk.b) Failure of Resident to be with their Guest at all times in Residence.c) Permitting a guest to stay over the limit of two (2) nights consecutively or ten nights (10) in any given month (1) without approval from management.
LEVEL 2	<ul style="list-style-type: none">d) Hosting a Guest during Mohawk College's Orientation Week or when Exam Quiet Hours are in effect.e) Living or permitting someone else to live in a room/unit without an approved assignment from Residence.
LEVEL 3	<ul style="list-style-type: none">f) Hosting a guest who violates the RCLS. All residents are responsible for the actions and behaviours of guests signed in with them at all times while in the Residence.g) Hosting a guest who has been issued a trespass, or similar notice restricting them from the residence property.

8. HARASSMENT AND DISCRIMINATION

Note: Every individual has a right to a safe, respectful environment that is free from attacks on their dignity/integrity. Harassment is defined as any attention or conduct (oral, written, graphic, electronic or physical) by an individual or group who knows, or ought to reasonably know, that such attention or conduct is unwelcome, unwanted, offensive or intimidating. Bullying and hazing will be considered harassment under this policy. Discrimination is any behaviour that is based in or leads to unjust or prejudiced treatment of persons of things, often on the grounds of sex, race, religion, age, gender/gender identity, etc. This includes but is not limited to: making stereotypical assumptions based on a person's presumed traits, excluding persons, denying benefits to someone or imposing burdens upon them. Bullying and hazing will be considered harassment under this policy.

LEVEL 2 & LEVEL 3	a) Dis(a) Failure to abide by the Mohawk College Code of Conduct or related legislation or policies which defines harassment and discrimination. b) Any conduct that could be deemed as bullying, including cyber bullying, or bullying on social media be it via a group or an individual c) Any statement, action, or display that could be deemed as inappropriate or derogatory towards an individual or a group
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9. ILLEGAL SUBSTANCES & ACTIVITIES

Note: Any observations about the behaviour, speech, odours or physical surroundings of an individual that cause suspicion of illegal activity will be investigated and/or reported. Under the principles of the Standard of Proof, repeated suspicious behavior pertaining to illegal activities may result in the Residence applying the full measures of discipline outlined below.

LEVEL 1	a) Attending Residence Orientation, or other residence events, under the influence of illegal substances. b) Possession of paraphernalia associated with the use of illegal substances including but not limited to bong, pipe, roach clip, vaporizer, ash tray and grinder.
LEVEL 2	c) Using or being under the influence of an illegal or un-prescribed substance or residence. d) Imposing the physical effects of intoxication from illegal substances on the Residence community.
LEVEL 3	e) Illegally possessing, using, making, or selling an illegal or un-prescribed substance in Residence. Possession or use of medication for purposes other than those for which they were prescribed. f) Any behaviour or activities that contravene the laws of the land.

10. NOISE AND QUIET HOURS

Consideration Hours are in effect 24 hours a day, 7 days a week. Noise levels at any time should not detract from any resident's ability to pursue academic endeavours or to enjoy a peaceful living environment. An individual's right to reasonable quiet supersedes another's right to make noise. The following items are prohibited: large musical instruments (i.e. drum sets), surround sound systems or noise producing devices such as subwoofers and PA systems.

Quiet Hours are observed in Residence: Sunday to Thursday: 11:00pm – 8:00am; Friday and Saturday evenings: 1:00am – 8:00am.

Exam Quiet Hours begin 1 week prior to the exam start dates in both December and April. Quiet Hours are extended to 23 hours a day. Residence will define a Relaxed Hour during the evening when programming by Residence Staff may occur.

As a general rule, noise from your room/unit that is audible outside your room, including in hallways, common areas, neighbouring units or buildings, will be addressed by Residence Staff during quiet hours.

LEVEL 1	a) Non-compliance with Consideration Hours or Quiet Hours. b) Possession of large musical instruments. c) Use of musical instruments or sound equipment.
LEVEL 2	d) Non-compliance with Exam Quiet Hours. e) Excessive noise that interferes with the academic work of Residents and/or significantly disturbs the residence community and/or our neighbouring communities.

11. PETS

LEVEL 2	a) Keeping any animal or pet in residence. No pets are allowed in Residence.
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12. RESPECT AND COOPERATION

LEVEL 2	a) Failure to respond to the written or verbal direction of Residence or Mohawk College Staff. b) Demonstrated lack of respect, civility, courtesy, or cooperation with a member of the residence community, including residents, visitors, residence staff, and Mohawk College Staff. c) Failure to provide identification, or providing false identification when asked from a Residence or Mohawk College Staff. d) Providing a false report of an incident or impeding an investigation.
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13. RESTRICTED AREAS & UNAUTHORIZED ENTRY

LEVEL 3	a) Unauthorized entry into restricted areas of Residence, including rooftops, basements, utility rooms, offices, etc. b) Entry into another Residents Room without the consent of that Resident.
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14. SAFETY & SECURITY

LEVEL 1	a) Improper use of an emergency exit. b) Footwear must be used within all Interior and exterior common areas of the Residence.
LEVEL 2	c) Covering, tampering with, or removing the PA system. d) Permitting entry of any individual (resident, non-resident or other) into Residence, either by opening a door or giving Residence keys or swipe cards to that individual. e) Overloading or tampering with electrical systems. f) Unsafe storage, disposal and/or use of prescribed medication and related medical devices such as needles, prescription drugs, and pill bottles.
LEVEL 3	g) Tampering with video surveillance equipment or systems. h) Failure to evacuate during an alarm. i) Careless driving on Residence grounds. j) Actions, carelessness or neglect that causes an elevator to stall and/or require repair.

15. SMOKING

Smoking in residence, or within 15 metres of an entrance/exit of the residence is not permitted, including but not limited to the use of cigarettes, e-cigarettes and vaporizers.

LEVEL 2	a) Smoking is not permitted on or about the lands on which the Residence is situated, except as permitted by the Institution or municipal by-law. Smoking restrictions are clearly marked at each exit of the residence. b) All students must follow the Ontario Law of Smoke-Free Ontario Act, S.O. 1994, c. 10. This means you must be 15 meters from the entrance/exit of the Residence. c) Possession of large smoking paraphernalia (e.g., bong, hookahs, etc.).
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16. TECHNOLOGY MISUSE

LEVEL 2	a) Failure to abide by Mohawk College's computer and network use practices. b) Installing/use of a personal internet router.
LEVEL 3	c) Interference with the technology of the Residence, Mohawk College or another Resident. d) Copyright infringement (i.e. illegally downloading music, movies or other media using the Residence internet connection).

17. UNAUTHORIZED ACTIVITIES

Note: All organized events, activities or gatherings that have the potential to cause a disturbance must be approved by Residence Management to ensure compliance with fire safety, noise and other applicable policies. Residence Management will not approve any event that involves or is presumed to involve the use of alcohol or other substances.

Note 2: Maximum capacity of a residence room is defined as the number of residents that live in the room plus two additional people each.

LEVEL 2	a) Any gathering over the maximum capacity of a residence room and/or alcohol/illegal substances is being consumed as one of the primary activities of the gathering and/or the volume of music or people violates the noise policy.
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18. UNAUTHORIZED ARTICLES AND THEFT

Theft refers to the act of taking another person's property in residence without their permission.

Note: Only Refrigeration appliance supplied with the Room are to be used. No others, including mini fridges, are to be brought into the Room. Irons, toaster ovens, coffee makers, electric kettles protected by an automatic "shut off" may be used. In order for appliances to be approved for use in the Residence, they must bear a visible serial number and a CSA or RL identification tag.

LEVEL 1	a) Possession of equipment, keys, appliances or furnishings not authorized by the Residence or Mohawk College.
LEVEL 3	b) Theft or possession of stolen property.

19. VIOLENCE AND AGGRESSION

Note: Violent or aggressive behaviour of any kind is not permitted in residence. This includes behaviour such as physical force potentially causing hurt or damage to someone/something, and/or behaviour that threatens another member of the community. Violence and aggression includes but is not limited to physical or verbal acts.

LEVEL 3	<ul style="list-style-type: none">a) Any communication or behaviour that is perceived as offensive, abusive, unwanted, aggressive or threatening.b) Any behaviour (consensual or not) that causes or has the potential/intent to cause physical or emotional harm. These behaviours include, but are not limited to: hitting, punching, slapping, kicking, pushing, pulling, bullying, stalking, fighting, intimidation, retaliation and threats of violence.c) Any behaviour deemed to be a physical assault.
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20. WEAPONS

Note: A weapon is defined as any device that is designed for (or could be used for) the purpose to intimidate, threaten, harm or kill. Examples of weapons include and are not limited to: handguns, rifles, air guns, pellet guns, paintball guns, BB guns, crossbows, swords, hunting knives, fishing knives, martial arts weapons, brass knuckles, replica weapons, or any other prohibited device as defined in the Criminal Code of Canada. Ammunition is defined by any replica or real materials fired, scattered, dropped, detonated from any weapon. This includes live and dead bullets, arrows, grenades, etc. Ammunition and replica ammunition are also prohibited in residence.

LEVEL 3	<ul style="list-style-type: none">a) Possession, storage, use or threatened use of a weapon and/or replica weapons.
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21. SEXUAL VIOLENCE

Sexual Violence is a broad term that describes any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This violence takes different forms against another person without their consent. This includes but is not limited to sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

LEVEL 3	<ul style="list-style-type: none">a) Any behaviour deemed to be a sexual violence.
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22. FIRE SAFETY

LEVEL 1	<ul style="list-style-type: none">a) Propping open a fire door, which includes room/suite/unit doors. This may include using the deadbolt or another item to prevent it from locking and/or to hold the door open.
LEVEL 2	<ul style="list-style-type: none">b) Possession or use of candles, incense, lava lamps, hot plates, flame cooking devices, indoor barbeques, deep fryers and the like. Cooking devices without an automatic shutdown are not allowed in residence.c) Covering or removing smoke and/or heat detectors.d) Blocking hallways, stairwells, exits and access to fire safety equipment.e) Leaving food unattended while cooking.f) Shallow/deep frying is not permitted.
LEVEL 3	<ul style="list-style-type: none">g) Possession or use of explosive or flammable material (e.g., firecrackers, fireworks and barbecue propane tanks).h) Discharging, tampering with, covering or operating any fire prevention or detection equipment for any purpose other than the control of a fire.i) Actions or neglect that leads to a fire, and/or the activation of the building fire alarm system.

SANCTIONS

Sanctions are consequences for behaviour that violates the RCLS, Student Residence Agreement, or Mohawk College policies. These sanctions are explained in detail, including any relevant deadlines or payment information in a Decision Letter written by Residence Staff. Sanctions are intended to be primarily educational and restorative in nature. Sanctions may be used independently or in combination for any single violation. Repeated and/or multiple violations shall increase the severity of sanctions applied, as determined by a resident's point total. In most circumstances, the following range of sanctions may be assigned to residents at each tier of cumulative point totals.

Tier I – Residents with 1-3 Total Points

- a) Warnings – a verbal or written caution that continuation or repetition of the offending behaviour will constitute more serious sanctions in the future.
- b) Community Service – tasks or roles assigned as sanctions, which contribute positively to the reputation, welfare or condition of the Residence or surrounding community.
- c) Disposal/Removal of Items – removal of items from the Residence that violate the Residence Community Living Standards.
- d) Educational – tasks assigned as a sanction designed to promote learning and development.
- e) Fines - a sanction applied to a Resident whereby they are required to pay a monetary fee.
- f) Loss of Privileges – a sanction that places restrictions on certain privileges of the Resident.
- g) Restitution – payment for damage or loss experienced by Mohawk College, Residence, Residents, Guests or others.

Tier II – Residents with 4-8 Total Points

- h) All Tier I Sanctions.
- i) Communication Ban – a sanction that limits the privilege of a Resident to communicate freely with another Resident.
- j) Transfer/Relocation – a sanction that will reassign accommodation either within the Residence Complex or to a location off campus

- k)** Persona non grata (PNG) or Trespass Notice – a sanction given to an individual who is denied the privilege to enter Residence. The PNG individual is also prohibited from attending any residence events which occur outside of the building. A copy of the PNG letter is filed with Campus Security. A PNG individual found or seen in residence at any time will be reported to Campus Security and may be subject to further sanctions under Residence or MohawkCollege policies.
- l)** Denial of Readmission to Residence – a sanction given to a Resident who will not be permitted to live in residence in the future.
- m)** Residence Probation – a sanction applied as a deterrent against future violations. Any future violations of the RCLS of any kind may result in eviction.
- n)** Behavioural Contract – a signed contract between a Resident and Residence Management addressing behaviour that may or may not be covered by the RCLS, to comply with conditions of conduct and to refrain from specified conduct as detailed in the Behavioural Contract. Violations of the terms a behavioural contract may lead to eviction.

Tier III – Residents with 9+ points

- o)** All Tier I and II Sanctions.
- p)** Eviction – termination of the Resident’s Student Residence Agreement (contract) with the Residence.
- q)** Recommendation for charges of non-academic Misconduct – a sanction where Residence Staff make a formal recommendation to Mohawk College to investigate and/or charge the Resident with non-academic misconduct.

PRIMARY AND SECONDARY CONTACTS

Every resident is required to identify two people as their Primary and Secondary contacts. It is suggested that these people are parents or legal guardians of the resident, as they serve as emergency contacts. They may also be contacted if any other significant concerns or problems arise with the resident, such as significant violations of the residence rules, late payments or fees, or concern for their well-being. Sections 5.01 and 5.02 of the SRA provide more details about the Primary and Secondary Contacts.

6. JUDICIAL PROCEDURES

PRINCIPLES OF NATURAL JUSTICE AND PROCEDURAL FAIRNESS

The Principles of Natural Justice and Procedural Fairness must prevail in Judicial Procedures to uphold the principle that justice must not only be done, but be seen to be done. The principles are explained below:

- (a) The Resident has the right to be informed of the allegation(s) of Offense(s).
- (b) The Resident is entitled to an opportunity to respond to allegation(s) of Offense(s) at a meeting with Residence Staff and is also entitled to a reasonable notice of the time, place and nature of the meeting.
- (c) The Resident is presumed not to be guilty of the alleged Offense(s) until an impartial and unbiased Decision-maker has determined the Offense(s).
- (d) The Resident is entitled to reasonable disclosure of evidence of the Incident Report prior to a decision. Fact-finding occurs at a meeting with the Decision-Maker.
- (e) At meetings to discuss level three violations, the Resident is entitled to call a reasonable number of witnesses to the meeting to discuss alleged Offense(s). This must be arranged with the decision-maker prior to the meeting.
- (f) The Resident is entitled to be advised in writing of the Decision about the alleged Offense(s) and the Sanction(s) applied, (if any). The Decision about guilt or innocence and any associated Sanction(s) should be made within a reasonable time.

STANDARD OF PROOF

The information necessary to prove that an offense has occurred is referred to as the standard of proof. Outside of a court of law, the model used by College’s and Universities is called the Balance of Probabilities. The standard of proof has been met if at the conclusion of an investigation, based on all credible information, the Residence Staff believes that the incident reported probably occurred. This means that the information provided in the Incident Report and in the judicial meeting demonstrated that the violation is more likely than not to have occurred. The standard of proof for criminal cases is beyond a reasonable doubt, which does not apply in Residence Judicial Procedures.

INCIDENT REPORTS AND JUDICIAL MEETINGS

A summary of the Judicial Process is presented in the chart following this section. Residence Staff will record behaviours, actions or negligence that may be Violations against the RCLS in Incident Reports. When necessary, the Incident Report may also include appendices, such as e-mails, photographs, or Security, Police, or Fire reports. Residence Staff will notify the Resident(s) of the alleged Offense(s) and will notify them of a meeting to discuss the matter. The purpose of a Judicial Meeting between a Resident and a Residence Staff member is to investigate allegations of violations detailed in an Incident Report. This is the opportunity for Residents to be heard and explain their behaviour to the Residence Staff member. While these meetings must comply with the Principles of Natural Justice and Procedural Fairness and may result in formal sanctions, they are not designed to be highly formal in nature. At the conclusion of the meeting the Residence Staff member will follow-up with the Resident in writing with a Decision Letter, which will outline all necessary decisions about violations, sanctions and any related deadlines. If the Resident fails to attend the Judicial Meeting with the Residence Staff member, the Residence Staff member may choose to proceed and make a decision based upon all evidence available.

COMMUNICATION BETWEEN RESIDENT(S) AND RESIDENCE STAFF

Residence Staff will endeavor to communicate with Residents via several methods to discuss Incident Reports, deliver Decision Letters, and any other important aspects of the judicial process: (a) a voice mail on the Residents phone provided to them in their room, (b) an e-mail to their Mohawk College e-mail account or the account provided in their application, (c) a letter placed in a Residents mailbox or under a Residents room door, or (d) in person. An attempt to contact and communicate with a Resident is deemed to be satisfactory when any two of the above methods have been used by Residence Staff.

Incident Report

Alleged violations of the RCLS are documented by Residence Staff in an Incident Report.

Alleged Level 1, 2 & 3 Violations: Judicial Meeting with RLC

Resident(s) meet with the RLC to review the Incident Report.

Alleged violations of Behaviour Contracts and/or serious Level 3 Violations: Judicial Meeting with GM

Resident(s) meet with the GM to review the Incident Report

Decision Letter

RLC communicates decision about allegations, violations, and sanctions to Resident(s) in writing.

Incident Referred to GM

In situations where Resident(s) have violated Behaviour Contracts or when serious Level 3 violations are assessed, the Incident will be referred to the GM.

Decision Letter

GM communicates decision about allegations, violations, and sanctions to Resident(s) in writing.

RESIDENCE EMERGENCIES

Although the three levels of Violations and the Judicial Procedures are intended to apply to most situations related to behaviour, there are conditions that warrant a heightened level of concern for safety, security, health and wellbeing. These conditions require special authority and guidelines. The following definitions and procedures ensure a swift, effective response to conditions to protect Residents, guests, staff, the community and the Institution. In consultation with the College and its threat assessment and emergency procedures, the General Manager is granted extraordinary authority to respond to Residence Emergencies.

DEFINITION OF A RESIDENCE EMERGENCY

In consultation with the College, the General Manager is authorized to determine if Residence Emergency conditions exist, which is defined by any one of the following:

- (a) evidence that a Resident, student, or staff has been harmed or appears to be in danger of harm,
- (b) evidence that a Resident, student, or staff has harmed or poses a threat to harm another individual or the community,
- (c) evidence that a Resident, student, or staff has inflicted self-harm or appears to be in danger of doing so.

RESIDENCE EMERGENCY PROCEDURES

In consultation with the College, the General Manager is authorized to:

- (a) suspend other rules in order to invoke a swift response to a Residence Emergency
- (b) turn the matter immediately over to appropriate authorities
- (c) immediately relocate the Resident(s) involved within the Residence or off campus, pending a meeting with the Resident
- (d) authorize an Exclusion, which takes effect immediately and without notice, pending a meeting with the Resident. This means that the individual:
 - a. is prohibited from accessing any service or facility of the Residence
 - b. may be escorted from the Residence and/or the campus
- (e) determine Sanction(s) at Levels 1, 2, and 3, following a meeting with the Resident.

APPEAL PROCEDURES

A summary of the Appeal Procedures is presented in the chart following this section. The following general principles apply to all appeals:

- (a) The Principles of Natural Justice and Procedural Fairness must prevail in Appeal Procedures to ensure compliance with the principle that justice must not only be done, but be seen to be done.
- (b) Any resident found in violation of the RLCS is entitled to submit an appeal, based in the grounds for an appeal mentioned below.
- (c) A resident has 72 hours from the date they receive their Decision Letter to start the appeal process. Staff will endeavour to respond to appeal requests within 72 hours of receiving them.
- (d) Depending on the original decision rendered the appeal process proceeds via one of two processes: the Appeal Process or the Eviction Appeal Process, which are detailed below.

THE APPEAL PROCESS

Students may choose to follow up with the decision maker by scheduling a meeting in order to better understand the decision or sanction(s) related to their incident. Should a student believe that there are issues with the finding of responsibility or sanctions related to their incident, they always have the right to appeal the decision.

- (a) The Appeal Process is in place for all decisions excluding Eviction.
- (b) Students may complete an Appeal Request Form and submit it to the Residence Office, within 72 hours of receiving the decision letter. The resident requesting an appeal must demonstrate that they have grounds, which includes providing evidence of one of the following items:
 - i. **Bias:** Alleged and reasonable apprehension of bias of the Decision-maker who imposed the sanction(s).
 - ii. **Procedural Fairness:** Alleged substantive failure by the Decision-maker to comply with the Principles of Natural Justice and Procedural Fairness, which may have affected the decision.
 - iii. **New information:** Substantive new evidence which could not have been available to the Decision-maker when making the decision.
 - iv. **Alternative Sanctions:** The resident may request for their sanction(s) to be altered because the sanction(s) assigned are unduly burdensome, either because they are disproportionate to the violation and escalating conduct process, or because circumstances individual to the respondent render the sanction(s) more burdensome than they would typically be.
- (c) Once the Appeal Request Form is received, a Residence Manager other than the initial decision maker will review the appeal request within 72 hours. If the appeal is granted, the GM (or designate) will set-up an Appeal Meeting with the resident(s).
- (d) The individual or committee considering the appeal may, after reviewing the case:
 - i. uphold the findings and/or sanctions;
 - ii. reverse the findings; or
 - iii. reverse or modify the sanctions.
- (e) During an appeal, all sanctions (minus financial sanctions) remain valid until they are reversed or modified by the individual or committee hearing the appeal. Financial sanctions will not be applied until a decision has been made.
- (f) All decisions made in an appeal are final and are not subject to further appeals.

THE EVICTION PROCESS

- (a) If the resident has grounds for an appeal, the resident may complete the Appeal Request Form and submit it to the Executive Director of Business Development & Retail (or designate), within 72 hours of receiving the eviction. The resident requesting the appeal must demonstrate that they have grounds, which includes providing evidence of one of the following items:
 - i. **Bias:** Alleged and reasonable apprehension of bias of the Decision-maker who imposed the sanction(s).
 - ii. **Procedural Fairness:** Alleged substantive failure by the Decision-maker to comply with the Principles of Natural Justice and Procedural Fairness, which may have affected the decision.
 - iii. **New information:** Substantive new evidence which could not have been available to the Decision-maker when making the decision.

- (b) Once an eviction Appeal Request Form is received, Executive Director of Business Development & Retail (or designate) (or designate) will review the grounds for the appeal and make a decision to either deny the appeal or set-up an Eviction Appeal Hearing. The resident(s) will be contacted within 72 hours to notify them of this outcome.
- (c) If the appeal is granted, the Executive Director of Business Development & Retail (or designate) will set-up the Eviction Appeal Committee, which will be comprised the following Mohawk College Residence Operating Committee (ROC) members or their designate: ROC Chair (non-voting), Dean of Students – Mohawk College, MSA President and CLC Director of Operations. One of the members of the Eviction Appeal Committee must be a student, and one member must be a member of Residence Senior Management. Residents appealing an eviction will be provided with additional information about Appeal Hearing procedures.
- (d) The Eviction Appeal Committee will communicate a decision in writing to the resident. The committee will review all evidence and may decide to:
 - i. uphold the findings and/or sanctions;
 - ii. reverse the findings; or
 - iii. reverse or reduce the sanctions.
- (e) During an appeal, all sanctions (minus financial sanctions) remain valid until they are reversed or modified by the individual or committee hearing the appeal. Financial sanctions will not be applied until a decision has been made.
- (f) All decisions made in an Eviction Appeal Hearing are final and are not subject to further appeals.

APPEAL MEETING PROCEDURES (Levels 1 - 3)

In this section, the resident appealing the eviction is referred to as the appellant.

1. The hearing will proceed as scheduled, even if the appellant does not attend.
2. The appellant may bring witnesses to the appeal hearing. Participation of witnesses shall be limited to providing evidence and responding to questions from the appeal committee. Witnesses may be present at the hearing only when providing evidence or responding to questions from the appeal committee.
3. The appellant may bring one support person to the appeal hearing; however, support persons shall not participate in the appeal unless called on by the Chair to do so. Participants are required to provide the name and relationship of their support person to the Appeal Committee a minimum of 48 hours prior to the hearing.

EVICTION APPEAL HEARING PROCEDURES

In this section, the resident appealing the eviction is referred to as the appellant and the Residence staff whose decision is being appealed is referred to as the respondent.

1. The hearing will proceed as scheduled, even if the appellant or the respondent do not attend.
2. The appellant and respondent may bring witnesses to the appeal hearing. Participation of witnesses shall be limited to providing evidence and responding to questions from the appeal committee. Witnesses may be present at the hearing only when providing evidence or responding to questions from the appeal committee.
3. The appellant and respondent may bring one support person to the appeal hearing; however, support persons shall not participate in the appeal unless called on by the Chair to do so. Participants are required to provide the name and relationship of their support person to the Appeal Committee a minimum of 48 hours prior to the hearing.
4. The appeal hearing shall proceed as follows:
 - a. An initial briefing and review of the case by the committee members;
 - b. Presentation of the case by the appellant;
 - c. Presentation of information by the respondent;
 - d. Subsequent re-examination of either party or any witnesses if required.
5. Each appeal shall be considered independently and on its own merits.
6. The Appeal Committee will carefully consider only:
 - a. The appeal grounds;
 - b. The evidence supporting the grounds presented orally (during the hearing);
 - c. The written evidence presented in the appeal letter, appeal request form and supporting documents;
 - d. The written evidence presented in the respondent's response submission;
 - e. Any written evidence accepted by the appeal committee from the appellant or respondent during the hearing, providing that the appellant and respondent both had a reasonable opportunity to read, understand and respond to the document.
7. At no time should the committee deal with any matter outside the specific concerns set out in the request for appeal.
8. The burden of proof in a disciplinary appeal rests with the appellant, who must make a case to convince the appeal committee to decide in the appellant's favour.
9. All information reviewed and discussed during an appeal shall remain confidential.
10. In addressing the appellant's specific concern(s), the appeal committee should feel free to direct the parties to provide and produce additional material or witnesses directly related to the appeal.