

Internal Disciplinary Policies and Procedures Tantrammarsh Club Inc.

Last Updated: September 2009.

Introduction

In 1995, the Board of Directors of the Tantrammarsh Club requested that the Manager of the Pub compile a list of sanctions commonly imposed upon patrons who cause problems relating to the establishment. A committee of Board members then sat down and examined the fairness and validity of these sanctions, by comparing them with University Judicial guidelines at the time, by applying common sense, and by considering what direction the Board wanted to take with respect to disciplinary procedures. That list is summarized in detail here. These sanctions are not necessarily similar in magnitude to University sanctions for the same or similar offenses. Some are less harsh, while in other cases, stricter sanctions have proven successful for their deterrence value in significantly reducing the number and severity of behavioural problems by patrons while on or about the premises of the Tantrammarsh Club. In addition, it should be noted that although the sanctions listed below are standard recommendations, harsher penalties may occasionally be imposed at the discretion of the Manager and/or the Board of Directors.

Please note changes to the smuggling sanctions effective March 31st, 2003.

Two general methods have been adopted as sanctions. The first is to evict the offender from the premises, and/or ban that person for some period of time. The second is to ask the University to lay charges against the offender under University jurisdiction, or to lay charges ourselves under University jurisdiction. While the Club is an independent entity, and may impose its own internal sanctions, the University's rules and regulations must also be adhered to within the Club, by virtue of the fact that the Club leases its premises from the University. It is important to note that because of this situation, the University will lay charges in a number of incidents without the Club initiating the procedures.

When considering how long a person might be banned from the premises, a number

of categories have been classified, which are summarized here as follows:

(A) One night eviction: This is a measure enforced in minimum disturbance incidents. Often, the person is in a state which the staff consider to be too intoxicated to justify being permitted to remain on Club premises, or is misbehaving, which causes the staff to send the patron home (preferably with a guardian) to "sleep it off", and prevent more serious incidents.

(B) Three [academic] week eviction: Again, this is a measure enforced in minimum disturbance incidents, with the difference being that these incidents are seen as requiring a definite level of deterrence.

(C) Three to six [academic] month eviction: This measure is used in medium disturbance incidents, where the customer has committed an incident which is disturbing enough that the Club does not want to solicit their patronage for a significant amount of time.

(D) One year eviction: This measure is used for incidents of major significance.

(E) Permanent eviction: This measure is used for incidents of major significance. In some cases, the potential benefits of having a person as a patron are far outweighed by the negative aspects of disturbances that they have caused in the past and/or could potentially cause in the future. It has been proven in the past at the Club that patrons who have caused any problems in the past are statistically FAR more likely to cause more problems in the future. Non-students causing problems are generally given permanent bans, even for minor disturbances.

In addition to other considerations, the financial health of the Club is taken into account. Disturbances or transgressions which result in significant financial damage to the establishment, either through direct damages or through lost or potentially foregone revenue, will be treated more severely.

The general theory behind the levels of classification is that first offenses are dealt with by standard, pre-determined measures, with repeat offenders being subject to stronger measures, moving down through the list one or more levels at a time. For second offenses that are a repeat of a previous offense, sanctions are especially harsh. Simultaneous, differing offenses are usually treated as separate, tiered offenses (for example, "verbal harassment" and "refusal to comply" sometimes go hand-in-hand, and would be treated as two separate, tiered offenses). It is also important to note at this point that non-students are treated far more harshly than MTA students, since the Club is essentially structured as a private club for the benefit of MTA students. The different types of offenses are summarized as follows:

Accessing or Attempting to Access a Restricted Area - There are certain areas where customers should not expect to be present unless asked and/or accompanied by a staff member. These would include areas such as the DJ booth, electrical room, tool room, etc. Whether or not there is a sign specifically telling you to "stay out," when a reasonable person should expect that the area is restricted, you should not be there. We do not have much patience for people who enter or try to enter restricted areas, as they often are doing so for mischievous or malicious purposes. Minimum sanction is (B), unless theft or attempted theft is detected, in which case the minimum sanction is (D).

Breakage of Bottles/Glasses - These people can be ignored by the staff if there is definite reason to believe that the incident was truly accidental. If the intent cannot be determined, but the incident was not directly witnessed, the offender does NOT get the benefit of the doubt, and is evicted for the night (A). If the event was witnessed as intentional, then (B) applies. For a second offense, or for a very serious incident, such as a large number of items broken intentionally broken, (C) applies, as well as probable judicial charges. For an action such as throwing a bottle or piece of glassware, (B) would apply even if the item in question didn't break, *unless* the thrown object injured or could have potentially injured another customer, in which case the incident would be treated as "reckless endangerment" (see Assault, below).

Conduct Unbecoming - Includes but is not limited to crowd surfing/unnecessary violence on the dance floor, getting into arguments with other patrons - This is a simple (A), or in more serious cases, a [B]. The unnecessary violence bothers other customers, and can lead to confrontations - see also Disrupting the Peace, below. This clause is not limited to violence or potential violence ... it also includes actions such as hooliganism, minor vandalism, playing with security equipment (don't ever touch the security cameras!), altering or attempting to alter the infrastructure of the bar (ie. playing with things that you shouldn't be), etc. Vandalism that might be classified under other sections (an example would be vandalism that effectively is the same as "negligent theft") would be treated as a (C) level offense. Graffiti would be classified as a (D) level offense for a student, because it costs so much to clean up and is so hard to catch. Non-students being caught under the "conduct unbecoming" type of offense will typically be permanently banned.

Disrupting the Peace - Persons who are believed by staff to be "disturbing the peace" would be subject to (A) and in more severe cases, (B), or sometimes (C) to (E) for non-students. Examples of this would be challenging other customers to fights,

"hitting on" other customers' dates, disrupting pool games, pushing other customers, generally rowdy behaviour, etc.

Damage to Property - This is a more vague area, depending on what gets damaged. The most common practice is to make the customer replace the damaged property, and usually (C) applies [or (B) in the case of an intentionally broken pool cue, which is more common]. This would apply to items such as plexiglass, chairs, radiators/bathroom fixtures, windows, etc. More expensive items or serious incidents usually result in being charged before the university judicial committee. Replacement on pool cues is assessed at \$35.00, including HST, in cases when the individual does not voluntarily come forward to identify themselves as breaking a cue. For those who come forward voluntarily, a slightly lower replacement charge may also be levied. Bans are generally not applied to individuals who break pool cues and subsequently come tell the staff immediately about what happened, and agree to pay for a replacement cue. Significant cases of theft or damages to Club or University property will always result in a permanent ban.

Drinking and Driving - If we have customers that pose a potential threat to themselves or others by drinking and driving after our staff or their friends have suggested that they not drive, they will get a minimum [C] and a maximum [E] (for the most serious incidents). Not only does drinking and driving pose an enormous liability risk to the establishment, it's just plain stupid.

Drinking After Being Cut Off - This covers two offenses: Drinking in the bar after having been told that you are cut off and therefore not being allowed to consume alcohol on the premises for the remainder of the evening; or knowingly supplying alcohol to someone who has been cut off. Standard sanction is (B). Staff members will sometimes evict a person for the night when they are cut off, as a preventative measure to reduce the possibility of the patron in question consuming additional alcohol. In such a case, the staff will either find a same-sex caretaker to escort the person home, or ensure that Security is contacted to escort the person home.

Fighting - This covers being involved in a fight, irregardless of who started it. Determining whether this offense is applicable for the party who did not start the fight involves answering the following two questions: Could the individual have walked away and informed the bar staff, thus preventing the fight? Did the individual throw any unnecessary blows, or use unnecessary force in "self-defense"? If the answer to either of these questions is "yes", then the individual is considered to be an active participant in the fight. Sanctions for fighting are the same as for

assault/harassment. It is possible that if a fight breaks out, the person who started the fight would get a (C) sanction of six academic months, whereas the person who did not initiate the fight, but nonetheless was a willing participant after initiation would get a (C) sanction of a slightly lesser time period. Non-students involved in fights will automatically be permanently banned, regards of who started the incident.

Guests - Anyone who brings in a guest who is banned from the establishment or from campus in general will be subject to a minimum of (D) if the ban for the guest is a temporary ban, and (E) if the ban for the guest is a permanent one.

Harassment/Assault/Threats - This can involve physically or sexually assaulting someone, strong verbal harassment or threats, or physically threatening and/or intimidating another individual. Sanction is (C - six month) for a first offense, and (E) for a repeat offense, or for a first offense of great severity. Sanction is automatically (E) for non-Mount Allison students involved in threats/assault/harassment of any type, and for Mount Allison students directing physical actions against Club or University employees, or against members of the Club's Board of Directors. For Mount Allison students who direct strong verbal harassment or threats of physical action against Club or University employees, or against members of the Club's Board of Directors, but where actual physical contact does not the sanction is a (D). Charges are almost automatically laid in the case of Mount Allison students involved in such incidents, and by the town police in the case of non-students. Sexual harassment sanctions tend to be stronger than those for physical harassment, leaning toward the high end of the sanction (ie. six months, or until the end of the current academic year). An actual sexual assault occurrence would result in an automatic (E) sanction. Reckless Endangerment: For actions which result in injury to other patrons (or damage to club/university property), even when the action was not specifically directed at the injured party, or actions which could have resulted in potentially serious injuries, the reckless endangerment clause comes into play. The sanctions for this kind of action would be a minimum of (C) or (D), depending on the specifics of the case in question.

Indecency/Nudity/Sexual Offensiveness - Removal of shirts and/or pants on the dance floor will result in being ejected for the night. Repeated offenses may lead to a (B) sanction. In the case of the removal of clothing which leads to exposure of certain private body parts, the sanction would be a (B) for a first offense. In the case of the latter possibility, if a complaint from another customer is received, the matter will also be passed along to the sexual harassment advisor and the university judicial

committee (ie. indecent exposure) for further examination and processing under the university's student governance guidelines.

Loaning Identification Cards - Any student caught loaning an ID card to another student, or borrowing an ID card from a student, regardless of whether or not that student is aware of the incident, is subject to (B). In addition, all students involved may face judicial charges. ID cards which are confiscated are not returned to the bearer or to the owner. Confiscated cards, in the case of university ID, may be turned into the university's security office. In the case of government ID's, confiscated cards may be turned over to the local RCMP detachment.

Mischief/Gross Negligence - This would include being guilty of actions which no reasonable person would be expected to be permitted to do, without some sort of negative effect upon themselves, other customers, or the Club or university in general. Sanction is (B) for a first offense, higher for subsequent offenses.

Refusal to Comply/Disrespect for Staff Members - Patrons who show obvious disrespect for staff members (as evidenced by refusal to comply, verbal harassment, profanity, etc.) would most certainly be subject to (A), and probably also to (B). Although this may seem like a grey area, and not a true "offense", the New Brunswick Liquor Licensing Branch has recommended that any patron who displays any kind of "attitude" be evicted from the premises immediately. Although our regional Liquor Inspector has not specifically defined "attitude," it has been made clear to bar staff that the NBLLB supports bar staff in keeping a tight rein on the customers. It is important also for students to note that refusal to comply with the directives of a staff member acting in an official capacity is also a chargeable university offense under Student Governance rules and regulations.

Refusal to Comply can result from failure to adhere to the directives of a Pub staff member or other university official acting in an official capacity. For example, if a patron is asked to leave the premises, and does not so immediately (as evidenced by having to be asked to leave a second time), that would constitute "failure to comply". If a person is asked to do something, complies, and then subsequently (in the same evening) commits the same transgression a second time (such as re-entering the building after previously having been asked to leave for the remainder of the evening), then that would be categorized as a "failure to comply". If the person was asked to do something and then failed to complete the request in full (as evidenced by having to be told a second time), that again would constitute a "failure to comply". Finally, if a group of persons fail to comply with the directives of staff

member or university official, then each and every member of that group would be held equally accountable for the actions of the group in the "failure to comply".

Pub staff members are not required to give any reason for their directives such as evicting a patron for the evening (although in most cases they will explain the problem if the customer is not too intoxicated to listen to reason), nor will they argue or debate the rationale for the request. Appeals will not be successful at the time of the incident. If the affected patron wishes to discuss the matter further, a meeting can be arranged with the manager on the FOLLOWING business day - this prevents discussions getting out of hand due to the possible state of intoxication. Finally, specifically in cases whereby a patron is asked to leave the premises, it should be noted that this request is taken to include the downstairs portion "inside the Pub," the stairwells, the rest of the University Center building, and the area immediately surrounding (within visible sight) the University Center. If you are asked to leave, then fail to completely leave the area, you will not only be subsequently charged with the failure to comply, but at the time the security officials will also call the town police to remove you from the area. This offense is treated as a (D) or (E) for non-students.

Smuggling - Persons caught smuggling alcohol into the bar will first of all have their alcohol confiscated, poured out, and the container removed from the premises, and secondly, will be subject to (D). Although this might seem at first glance to be a less serious offense, it is actually a very serious offense in the eyes of Club management. Not only does smuggling cut very badly into profitability at the establishment, a far more important consideration is that if a patron were to be caught smuggling alcohol into the establishment by a provincial liquor inspector, the Club's liquor license would be temporarily revoked. Multiple simultaneous offences, such as a member and his/her guest smuggling at the same time, would be treated as separate offences, with the distinction that sanction levels are tiered (ie. the ban would be two consecutive years for the member, rather than a permanent ban). Sanction for non-students is automatically an (E). This charge includes both purposeful and negligent possession of unlawful alcohol on the premises. We strongly suggest that if you have unopened alcohol with you coming onto our premises, because you've just been to the liquor store before the Pub and had bought something for after you go home from the Pub, that you always check the alcohol in our coat check rather than bringing it into the Pub in a kit bag or purse. We won't fault you if you leave it in the coat check. However, if you do that, we also suggest you let the doorperson know as you are coming in the door that you have no intention of bringing it into the Pub, so he/she can assist in ensuring that the alcohol remains safely in the coat check, and

does not get yourself or our establishment into trouble.

Spraying Beer/Throwing Drinks - Not only do such actions bother other customers, and potentially lead to confrontations (such incidents have led to altercations in the past), but they can also damage Club property (lights, electrical appliances, etc.) which are placed in our ceiling area. Sanction (A) applies for a first-time offense, but for a repeat offense, sanction (B) will apply.

Tampering with Fire Equipment – The person responsible for tampering the equipment will be charged \$75 if the offense is for discharging a fire extinguisher (to pay for refilling the extinguisher), plus a three month ban (C). For pulling a fire alarm anywhere in the University Center, the person responsible will be charged through the university's judicial committee, and will receive a minimum one year ban. In addition, because pulling a fire alarm can result in significant expenses to the university when the fire department is called, and to the Pub due to lost revenue and goodwill, monetary compensation may be assigned before the patron is permitted to re-enter the Pub.

Theft - Attempts to remove glassware/drinks/beer bottles or temporary posters/decorations from the Club are fairly common, and are usually treated fairly lightly, (B). Theft of a university or government ID card from a MTA student, and then attempting to use that ID to fraudulently gain entrance to the Pub, usually results in two consecutive (B) offenses, back-to-back (one for the theft, and one for the fraudulent use of an ID card). More serious incidents include theft or attempted theft of tips (cash), bottles or liquor/draught/alcohol from behind the bar, more permanent fixtures, and property of other customers. Being caught for any of these incidents will result in (D) for a student, and (E) for a non-student or a second offense as a student. Significant cases of theft or damages to Club or University property will always result in a permanent ban.

Use or Possession of Illicit/Illegal Drugs - The use of illegal drugs is not condoned in the Club. If anyone is suspected to be smoking 'non-cigarettes,' those persons would be asked to leave the premises (A) and campus security would be called to investigate. If there is definite proof of an incident, or a serious situation develops, the Security Department may in turn call in the Sackville Police Department. Persons caught with illegal substances in the bar would normally be subject to (C) for a first time offense, and (E) for a second-time offense. Non-students are automatically referred to the Sackville Police Department and permanently banned. If you want to use drugs, do it at home, not in the Pub.

Underage - Persons are evicted if caught underage in the bar during periods when minors are not being admitted, and are referred to the Security Department at the time if they cause any sort of commotion or breach the university's liquor policy. If minors are found guilty of any sort of defined offense, the time period of their ban from the premises is defined to begin when they reach the provincial age of majority, rather than at the time of the incident.

Guests

[Members' accountability for the actions of their guests]:

Persons who are not members of the Tantrammarsh Club (most notably non-students) are only admitted to the premises when they are the guest of a normal member in good standing of the Club. In bringing a guest onto the premises, the Mount Allison student automatically takes responsibility for the actions of their guest at all times while that guest is on or about the premises of the Club, regardless of whether or not the member remains with their guest. If a guest of a member commits an offense, the sanctions that would normally be applicable to the guest are imposed upon the member who signed them in, in exactly the same manner as if the member had committed the offense themselves. This applies to both the severity of any sanctions imposed, as well as timing and increases in severity of sanctions based upon multiple offenses. Non-students may be permanently banned for minor incidents despite the guidelines posted herein, for the simple reason that the Tantrammarsh Club is a private club and a student pub, and outsiders causing any problems whatsoever will not be tolerated or allowed back in. It is for this reason that non-students found guilty of offenses as low as (B) level offenses will usually be permanently banned from the premises.

Non-students who are banned from the Club, but who subsequently become students at the university, may appeal their bans to possibly shorten the terms, based on their new status as a student. In those cases, typically the procedure is to determine what the ban would have been for their original offense, had they been a student, and then to ban them from the premises for that exact length of time, starting on the first of September (or January) when they become a student. Therefore, as an example, for a person who was banned for an offense which would result in a one year ban for a student, but a permanent ban for a non-student, if the offender becomes a student at MTA on or about September 1st of 2006, then the

ban would be changed from permanent to one year in duration, starting on September 1st of 2006 and lasting until August 31st of 2007.

Trespass

[Failure to Comply with the Terms of a Pub Ban]:

Any person found on the premises of the Tantramarsh Club Inc. for any reason (or found attempting to gain entrance to the Tantramarsh Club by entering the University Centre and/or approaching our front entrance with the intent to attempt to gain entry) during the time of their ban, without express prior written permission from the Board of Directors, shall be charged with trespassing through the university judicial committee (in the case of students) or shall be charged with criminal trespass (for non-students), in addition to being permanently banned from Club premises. During the time of a ban, the banned individual is not allowed to be on the premises for any reason, whether it be during the daytime to use the telephones or bank machine or other facilities, or during house banquets or athletic banquets or homecoming reunions, or during periods when the facilities have been rented by third-party organizations. Failure to comply with a ban, even through negligent omission, shall be considered grounds for further sanctions against that individual or against the member who signed them in, and shall be treated as a tiered offense with harsher sanctions. It is the responsibility of all university students to be fully aware of the guidelines governing the conduct of themselves and their guests within the Pub, and lack of knowledge of the Club's and/or the University's rules and regulations is not a valid defense.

Multiple Offenses

Although multiple offenses for repeat offenders are generally covered above, occasionally patrons will be caught for multiple offenses in different areas. Generally, being caught for any offense other than an (A) level results in the second offense being raised one level of severity above the normal. The only strange exceptions are the raise from (C) to either (D) or (E) level offenses. The equations are as follows:

(C) + (B) = Change the (B) to a (C)

(B) + (C) = Change the (C) to a (D)

(C) + (C) = (E) With one exception: (C) + (C) can equal (D) at the Manager's discretion,

but ONLY in cases where the second (C) was not for fighting/assault/harassment.

(B) + (D) = The (D) remains at (D).

(D) + (B) = Change the (B) to another (D).

Third offense is automatically an (E), with one exception: If all three offenses were (B) or lower level offenses, the third becomes a (D) rather than (E). In only this case then, the fourth offense would lead to an (E).

Timing

All bans are assumed to begin at the point of discovery of the related incident(s).

Bans generally end at noon of the day following the last technical date of the ban.

This way, a person banned for three weeks starting on, for example a Sunday, would be banned until noon of the Sunday three weeks later, to prevent the ability to use the technicality of the date change to show up at one minute after midnight on the date that the ban ends.

If a ban occurs over a break period, such as Christmas or the summertime, the following rules apply: For three week bans that include the period between end of exams in December and renewal of classes, this period is disregarded and the three weeks are extended to reflect three "academic" weeks. For three month bans that include summertime months, the same general principle applies, in that the period between May 1st and September 1st would be ignored, and the ban would renew "counting down" again at the start of classes in September.

Judicial

Mount Allison University, similar to several other universities around the country, has an internal Student Governance Committee, made up of members of the university community (including students, faculty, the Board of Regents, etc.). This committee is responsible for overseeing the university's disciplinary code of conduct, as presented in the "Rules and Regulations According to the Student Governance Committee" booklet, available to all students. This booklet is also available in electronic form in the reference section of the Pub's website.

Due to the existence of the Judicial system at MTA, there are effectively two separate systems in place within the university community that can result in

sanctions being applied against an individual, affecting them with respect to the Tantramarsh Club. The Club issues what we call "internal bans" as sanctions against individuals, which have no effect elsewhere on campus. The university's judicial committee can also impose bans and/or fines, which may or may not include the Club, but they are more of a campus-wide judiciary system. The bans imposed by the judicial committee can also be more broad, encompassing all of campus. Sometimes, the judicial committee may even ban an individual from the Club when in fact that person is already internally banned by the Club. In such a case, there are technically two separate institutions which have issued concurrent bans against the same individual, for the same offense, and the time periods may overlap (the systems are intended to be parallel systems, not mutually exclusive). In such cases, the individual is not permitted on the premises during the time period specified by either ban. However, the key thing which would be considered would be if someone who was banned for the premises snuck into the Club during the time he or she was banned. In that case, knowing which institution(s) had banned the person would be important, because there are slightly different sanctions for failure to comply with a internal Club ban than there would be for failure to comply with a university judicial sanction, even if it was for the same incident at the same place and time.

The Tantramarsh Club is a tenant of the university. Although it is owned by students in a sort of co-operative system, and managed by an appointed Manager, it is still subject to the rules and regulations of Mount Allison University, as agreed to in the terms of the lease between the two entities. The staff and management of the Tantramarsh Club are therefore required to adhere to and enforce all university rules and regulations. The Manager of the Club is expected to put forward charges and act as a plaintiff in any security incidents which contravene or are believed to contravene student governance rules affecting the university community. In such cases, the Club will typically issue an internal ban against the individual(s) involved in the incident, and then submit judicial charges against the individuals, and the Manager is required to act as a plaintiff at that judicial trial. In practice, all internal sanctions which result in (C) level bans within the Club are automatically referred to judicial, while (B) level offenses are dealt with on a case-by-case basis.

Staff & Board of Directors Offenses

Another relevant topic is how staff offenses are dealt with. Staff members and members of the Board of Directors are expected not only to follow the same

guidelines as any normal patrons, but must also set a good example for the rest of the university to follow. Almost every person who works at the Pub on a regular basis is well-known to the rest of the campus, even if the reverse is not true. Pub staff are *very* visible people on campus, and patrons watch the behaviour of off-duty staff and act accordingly. Staff members who break the rules will not be given any special preferences, and in fact, can expect even more severe sanctions, since they should know better. This applies to municipal and university rules and regulations as well as internal Pub rules and policies.

- Any staff member who assaults anyone inside or around the Pub, on or off-duty, can expect to be terminated immediately, and may be subject to judicial proceedings.
- Any staff member who gets cut off, and refuses to comply, is showing disrespect for the server who cut you off. If a staff member is cut off, it is not a joke - it is because the server is exercising their best judgement, and thinks that the customer has probably had more than enough alcohol already. You can expect a suspension for this kind of behaviour. Any staff member may cut off anyone else, if they think it is appropriate. Even the Manager has been cut off.
- Any staff member who damages or breaks anything through obvious negligence or drunken stupidity (an infectious disease at the Pub), will be expected to, at a bare minimum, fix or replace it.

These are still very loose guidelines, but basically, the point is that staff members should be especially well behaved. Staff members are role models.

Appeals

Appeals by students or staff may be heard by the Board of Directors, by previous appointment. Generally, student appeals are not successful, by virtue of the fact that the rules above are fairly clear-cut. The disciplinary procedures were designed to provide a definitive framework for dealing with disciplinary infractions, which should eliminate any possibility of arbitrary and/or personal judgements or biases affecting the sanctions imposed in various cases. Staff appeals can be heard by the Chairperson to prevent discrimination by the Manager, as the situations are generally not as clear-cut. It should be noted by all students and staff that the Chairperson of the Board, acting on the wishes of the entire board, is the highest level of appeal possible, and that the Chairperson has the ability to impose *more severe* as well as less severe sanctions if he/she feels appropriate.

In the case of an appeal for a sanction of three weeks or less, there is no appeals process. In terms of a sanction lasting in term for one month or more, the Board may, at the discretion of the Chairperson, decide to examine the case at the next

scheduled Board meeting, and then make a decision. However, the Chairperson also has the authority to decide that the Board will not officially permit an appeal. All sanctions will remain in force until an appeal is heard. It is important to note that although precedents set in previous cases may be taken into consideration, they may also in some cases be ignored. Each appeal, if considered, will be decided individually and on its own merits by the Board as a whole, and the decision of the Board will be considered binding.

Any single ban for a specific incident may only be appealed one time. There is no time limit for the appeal.

In the case of an appeal for a review of a permanent ban, the following considerations should be kept in mind:

- If the permanent ban is for a non-student, no review will be undertaken, and the ban will remain permanent.
- If the permanent ban is for someone who was an alumni at the time of the incident, no review will be undertaken, and the ban will remain permanent.
- If the permanent ban is for anyone who is not currently enrolled as a student (at MTA), no review will be undertaken, and the ban will remain permanent.
- If the permanent ban is for a former student who has not graduated, no review will be undertaken, and the ban will remain permanent.
- If the permanent ban is for anyone on the university's ban list, no review will be undertaken, and the ban will remain permanent.
- If the permanent ban is for assaulting a staff member or university official, no review will be undertaken, and the ban will remain permanent.
- If the permanent ban is for a former student who has since graduated (and is thus now an alumni), that ban may be subject to review five years after the graduation of the student.

In the case of a request for a temporary "exemption" from a permanent ban, for an event such as Convocation weekend or Homecoming weekend, the following rules apply. A graduating student *might* be allowed a temporary exemption on their own Convocation Weekend, providing that the following conditions are met:

- The ban is not for an extremely serious offense such as an assault of another patron/university official/employee/board member of the Tantrammarsh Club.
- The board of directors and manager agree unanimously that an exemption for that one specific weekend could be permitted.
- The person is not also banned from the Pub by the university.
- The person in question would have to sign a contract and post a "performance bond" before entering the premises, agreeing that if any subsequent security and/or disciplinary problems are instigated by that person, their bond will be forfeited.

Procedure for Appeals:

1. The Chairperson (or Manager) will give a copy of this document to the concerned student, if requested.
2. After reading this document over carefully, the student may write a letter requesting an appeal, including their perceived grounds for the appeal, and reasons why they think the appeal might be justified.
3. The Chairperson of the Board will, after reading the letter of appeal, arrange a mutually convenient time to meet with the student to discuss the appeal in person, if deemed necessary.
4. If the Chairperson feels that discussing the appeal with the entire Board might be beneficial, he/she will raise the issue of the appeal at the next meeting of the Board for review. If the Chairperson does not feel that the Board would benefit by getting involved in the appeal, then he/she will write a letter to the student denying the appeal.
5. If the Chairperson does elect to involve the Board in hearing the grounds for appeal: After all meetings concerning discussions of the appeal are over, the Chairperson will send a written letter to the student confirming or denying the success of the appeal, and any pertinent or relevant details.

Letters of Appeal should be addressed to:

Darren Wheaton, Chairperson of the Board of Directors, Tantramarsh Club, 62 York Street, Sackville, NB, E4L 1E2.

Other Notes

It should be noted that at the March 16th, 1999 meeting of the Board of Directors, there occurred a discussion concerning the validity of the above guidelines, and the appropriateness of some of the sanctions was questioned. In particular, there was a question as to whether certain bans were strict enough. In addition, it was noted at that March board meeting that certain types of offenses may not fall specifically within the above guidelines, which is a concern. Therefore, the Board recognizes that it may certainly impose sanctions in any incidents at its own discretion to protect what is deemed as the best long-term interests of the Club, which includes applying sanctions which do not follow the above guidelines.

Video Surveillance Review Policy

At present, only three senior staff members (including the Manager) have access to be able to review footage from the video surveillance system. Our standard policy is

that we do not let staff review general footage, except to resolve security incidents, and we do not allow customers to review footage except under extraordinary circumstances. Occasionally we get requests from customers for help in resolving potential security problems, or in an attempt to recover lost property. In such cases, for general security issues and for any problems caused by anyone other than the victim, the Club will certainly be willing to try to assist the victim, if possible. However, this process is time-consuming and costly, due to wages that must be paid to the staff members doing the work. If the incident being reviewed is the fault of the victim, then the victim shall be held responsible for wages incurred in resolving the situation, at a standard rate of \$12.50 per hour.

As an example of how we treat such wages, we will use the example of a customer who has lost a coat:

1. If the coat was checked, and the staff member working the coat check misplaced it, then the victim would not be required to pay for wages incurred in finding out what went wrong. (By the way, we do have a high-resolution camera in the coat check for exactly this purpose. It is pretty rare, but since we check 10,000 coats per year, mistakes can happen).
2. If a coat was checked, and the customer dropped the tag on the floor and someone else picked up the tag and claimed the coat, then the incident is the fault of the victim. Therefore, the victim would be responsible for wages incurred in a failed attempt to recover the coat. If we were able to identify the person who stole the coat, then that person probably be charged with theft, if appropriate, and might be required to pay the wages, rather than the victim (depending on exact circumstances).
3. If the victim left a coat on a chair in the Pub on a night when there was no coat check, and the coat was stolen, the Pub would probably attempt to resolve the situation without the victim being responsible for wages, unless the incident turned out to somehow be directly or indirectly the fault of the victim (ie. if a roommate took the coat home, and the search was a waste of time).
4. If the victim left a coat on a chair in the Pub on a night when there was a coat check, and the coat was stolen, BUT the coat should have been checked due to the mandatory coat check policy, then the victim would be responsible for the wages incurred in resolving the situation. In this case again, there can be exceptions - if we were able to clearly determine the identify of someone else that was more at fault (ie. the person who stole the coat), then that person would be responsible for the wages instead.