



## Code of Non-Academic Student Behaviour

### PURPOSE

The College seeks to foster a safe and respectful learning community that is animated by the principles of access, diversity and inclusion, mutual respect and accountability.

This *Code of Non-Academic Student Behavior* outlines the College's expectations for student behaviour and includes the procedure that will be followed before the College imposes a sanction.

### SCOPE

This applies to all registered students and accepted applicants. It applies to conduct:

- that takes place on College owned or controlled property;
- that relates to College-sanctioned activity; and
- that engages a legitimate College interest, including a reputational interest and the College's interest in maintaining a safe and harassment free working and learning environment.

College alumni remain accountable for conduct that occurred when they were enrolled as students.

### STUDENT RIGHTS

Students have the following rights:

1. To learn and work in an environment that is safe, secure and free of harassment and discrimination.
2. To receive information and advice about any policies and expectations that they are expected to abide by.
3. To express themselves as recognized by the College's *Freedom of Expression Policy*.
4. To privacy, as recognized and limited by the *Freedom of Information and Protection of Privacy Act*.
5. To be treated fairly by the College when facing allegations of misconduct – i.e., to face allegations of misconduct without undue delay and to be given notice of the alleged misconduct and a meaningful opportunity to respond.



**STUDENT RESPONSIBILITIES**

Students have the following responsibilities:	
Disorderly conduct	To refrain from conduct that is disorderly, that is disruptive of normal College operations or activities, that interferes with others’ work, learning or residential environment or that endangers the safety of others.
Harassment	To refrain from intimidating, harassing, bullying or otherwise demeaning or abusing other community members in person or by any means of communication.
Violence	To refrain from assaulting other community members or subjecting other community members to an act of violence or sexual violence, threatening other community members with bodily harm or knowingly causing any community member to fear bodily harm.
Property offences	To refrain from stealing, damaging, possessing without authorization, defacing, vandalizing or destroying College owned or controlled property or the property of a community member (including property of persons or organizations who host College activities).
Misuse of property	To refrain from entering or using College facilities, equipment, supplies or resources without authorization or contrary to express instructions and to refrain from facilitating or allowing unauthorized access to College owned or controlled property.
Privacy offences	To refrain from taking photos or making audio or video recordings of other community members without permission in any context in which the community member has a reasonable expectation of privacy. The secret recording of a meeting or telephone call with another community member is prohibited.
Insubordination	To comply with all lawful directions given by College officials in the course of their duties, including all written and unwritten directions regarding classrooms, labs and other learning activities and all conditions of continued enrollment that have been imposed by the College.
Misrepresentation	To refrain from providing the College with false information and, in the absence of good cause, to answer a question or request for documentation made by an investigator or decision-maker appointed under this policy.
Policy compliance	To comply with all College policies and all policies that address conduct in College residences, including the policies set out at Appendix A and all applicable federal and provincial laws, including all requirements imposed by the <i>Ontario Human Rights Code</i> , the <i>Criminal Code</i> and the <i>Copyright Act</i> .

<sup>1</sup> Restitution means to make up for damages or harm caused, usually by making a payment.



## THE COLLEGE'S DISCIPLINE POLICY

The College's aim is to correct behavior that is restricted by this Code to prevent future violations and to protect its community members.

Pursuing discipline and sanctions is one means by which the College may correct behavior and protect its community. The College will impose sanctions to address violations proportionately, with a view to repairing any harm done to the community. Sanctions may include:

- Written reprimands
- Suspensions
- Expulsions
- Fines and orders to pay restitution<sup>1</sup> to victim

The College may also address behavior by imposing conditions for continued enrollment that are focused on learning or risk management. For example:

- A requirement to participate a learning and skills development plan
- A requirement to follow a plan of care or similar supportive program for addressing risks identified by the College
- A requirement to periodically provide information about compliance to the College

### **Alternative dispute resolution.**

The College may resolve a complaint or concern informally (and in a manner that does not affect a student's enrolment status) as it deems appropriate. The Student Conduct Office is normally responsible for alternative dispute resolution, and shall keep a record of all complaints and concerns addressed via alternative dispute resolution.

## DISCIPLINE PROCEDURE

Community members are expected to resolve conflicts peacefully and, whenever possible, to do so through dialogue with the other person involved in the conflict. The College also encourages community members to identify problematic behavior to others without delay. This procedure should be used for significant matters for which formal intervention is appropriate.

### **How to make a complaint**

1. Any member of the College community may bring non-academic student misconduct to the College's attention by filing a complaint with the Student Conduct office or another College administrator. College administrators who receive a complaint shall contact the Student Conduct Office without delay
2. The College (via its Public Safety Security Office or other offices) may proactively address concerns about non-academic student misconduct in the absence of a complaint. College officials shall bring all such concerns to the Student Conduct Office to be addressed by the Student Conduct Office under this procedure.
3. No complaint shall be filed to purposely annoy, embarrass or harm another student. Individuals who file such complaints may be subject to discipline.



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4. Although the College treats the subject matter of complaints as confidential, those considering making a complaint and Respondents should beware that:
  - the College will disclose information to students who are alleged to have committed misconduct for the purpose of investigating and resolving a complaint; and
  - the College may disclose information to the Registrar's Office, academic departments and others to meet its duty to provide a safe environment (e.g., to address a safety risk), to administer and enforce interim measures, conditions and sanctions and to otherwise administer this policy.

In this context, the College's commitment to confidentiality means disclosing information only to those who need to know and limiting the disclosure of information to what needs to be disclosed. It also means keeping information reasonably secure in light of its sensitivity.

5. The College is solely responsible for processing complaints and pursuing sanctions against its students. The College will respect complainants' significant interests in the manner in which their complaints are resolved, but complainants only have rights to participate in this process that are set out in this procedure.
6. The College may depart from this procedure as it deems appropriate, with a view to achieving the just, most expeditious and least expensive resolution to disciplinary complaints and concerns. All duties assigned by this procedure may be delegated.

### Step 1 – Case assessment

7. Case assessment is conducted by the Student Conduct Office.
8. The Student Conduct Office will promptly refer complaints and concerns governed by the *Sexual Assault and Sexual Violence Policy* or the *Human Rights Discrimination and Harassment Policy* to the Office of Anti-Racism, Equity and Human Rights Services (OAREHRS). Such complaints and concerns will not be addressed under this procedure, unless it is determined that OAREHRS lacks jurisdiction to address the matter.
9. Otherwise, the Student Conduct Office will determine how a complaint or concern that sets out misconduct (on a *prima facie* basis) should be addressed with a view to the discipline policy set out above.
10. The Student Conduct Office may resolve a complaint or concern through strictly non-disciplinary (risk-focused) means or via informal resolution. Such resolutions will be documented.
11. If, however, the Student Conduct Office decides that a disciplinary response is appropriate, they will initiate an investigation and move to the next step in this procedure.

### Step 2 – Interim measures and notification

12. After deciding to initiate an investigation, the Student Conduct Office in consultation with Public Safety and Security and other stakeholders as deemed necessary, will consider whether to implement interim measures to protect the complainant, the community and the investigation process in the time period before a final decision is made.
13. Steps will be taken to minimize the impact of interim measures on students who are alleged to have committed misconduct ("Respondents"). Interim measures are not punishment and do not represent a finding of misconduct.



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14. The Student Conduct Office will then send Respondents an e-mail that gives notification of the investigation and any interim measures. The notice will advise Respondents of (a) of potential sources of support and (b) that any concerns about the appropriateness of the interim measures should be raised with the Student Conduct Office without delay.

### Step 3 – Investigation

15. The Student Conduct Office will then conduct an investigation. An investigation will be conducted by an internal or external investigator capable of conducting an unbiased investigation who was not involved in the events in issue.
16. The investigator will conduct the investigation fairly, and will give Respondents an opportunity to comment on all allegations before producing a confidential report.
17. Throughout the investigation, Respondents may invite a support person to meetings with the investigator, though Respondents are expected to answer questions themselves. The investigator may exclude a support person from all or part of a meeting if the investigator believes the presence of the support person will affect the quality of the interview. For example, an investigator may believe that a student is unlikely to be forthright about private matters in the presence of a parent.
18. The time required to commence and complete an investigation may vary, but investigations should ordinarily start and finish within 14 calendar days.

### Step 4 – Decision-making

19. The Director of Student Support and Well-being (“the Director”) will make a decision about what happened, whether it constitutes misconduct and, if so, how it should be addressed.
20. The Director will review the confidential investigation report and give Respondents an opportunity to address the results of the investigation in a meeting before making a decision.
21. The Director will invite Respondents to a meeting by sending an e-mail to the Respondent’s college e-mail account at least five working days in advance. The notice will describe how the meeting will be conducted, who else has been invited to attend (if anyone) and who may attend at the Respondent’s invitation. The notice will also include a summary of the evidence that the Director wishes the Respondent to address. Respondents should immediately raise any objection they have about how the meeting will be conducted, in writing.
22. The meeting will ordinarily be conducted informally, though the Director may vary the meeting procedure to ensure fairness. Respondents may attend with a support person, though are expected to answer questions themselves.
23. The time required to conduct a meeting may vary, but a meeting should ordinarily be conducted within the 10 calendar day period after the investigation is complete.

### Step 5 – Written decision

24. The Director will provide Respondents with a written decision that includes reasons.
25. If requested, the Director will provide Complainants with a document that describes the outcome of the investigation and any corrective action that has been taken or that will be taken.
26. The time required to make a decision may vary, but a decision should ordinarily be made within five calendar days after an investigation is complete.



### Appeal in writing

27. An appeal is not a reconsideration of Director decisions, and no new evidence is admissible on the appeal. The administrator who hears an appeal will affirm the Director's decision unless (a) the procedure employed the Director was unfair and reconsideration is warranted or (b) the Director's decision is unreasonable in light of the evidence put before the Director.
28. Respondents may file a written appeal to the Student Conduct Office within ten calendar days of receiving a decision from the Director. The appeal shall identify the basis for the appeal and include all submissions in support of the appeal.
29. The appeal will be heard by a College administrator who has had no prior involvement in the matter under appeal and who is not in an apparent or real conflict of interest. If the appeal addresses a suspension or expulsion, it shall be heard by the Vice-President, Student Success or the President.
30. The administrator is not required to discuss the appeal with the Respondents before deciding the appeal. The administrator who hears an appeal shall receive appropriate training for this role and may seek confidential legal advice. The appeal decision is final.

### Recordkeeping

31. The formal record of all matters addressed under this procedure will be kept in Student Conduct Office. Public Safety and Security may keep additional records for security and risk management purposes.

## THE COLLEGE'S BEHAVIORAL INTERVENTION POLICY

The objects of this Code can be significantly undermined by student behavior that is unsafe, disruptive or that otherwise compromises a student's ability to effectively participate in the College's learning community. The College may manage this behavior without imposing discipline or in addition to imposing discipline.

All student behavioral issues that require management shall be reported to and addressed by the Student Conduct Office.

The Student Conduct Office will manage behavioral issues fairly, based on a sound assessment of risk and with a view to reasonable accommodation of demonstrated student needs. This management of behavioral issues is non-disciplinary in nature, but may lead to exclusion from study or to the imposition of conditions on continued enrollment.

## GENERAL

This policy shall have force and effect from the day it is approved (the "Effective Date"), shall replace and supersede all prior versions of the policy and shall apply to and define all alleged misconduct that falls within the scope of this policy regardless of when such conduct is alleged to have occurred, except in the case of a complaint for which an investigation, hearing or appeal has commenced prior to the Effective Date.



**APPENDIX A – RELEVANT COLLEGE POLICIES**