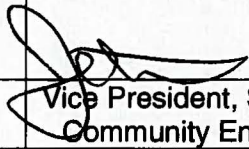


Policy #	SSE 104
Approved by:	Jason Hunter
Approval Date:	August 26, 2016
Policy Holder Signature:	
Policy Holder:	Vice President, Student and Community Engagement
Administrative Contact:	Director, Student Life Programs
Replaces Policy Dated:	N/A
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RESIDENCE CODE OF CONDUCT

Purpose:

The purpose of the Residence Code of Conduct ("RCC") is to define the responsibility of The Humber College Institute of Technology and Advanced Learning and the University of Guelph-Humber (both institutions will hereinafter be referred to as the "College" or "Humber") **resident student(s)*** to act in a manner that respects the rights, safety, and wellbeing of others. Humber Residence (hereinafter referred to as "Residence" or "Humber Residence") is a community of diverse individuals with different lived experiences, personal values, interests and lifestyles. In addition to the College's values, the Residence places importance on inclusivity, common courtesy, safety, respect and accessibility. The intent of the RCC is to provide a framework to resolve disputes when respect for the rights of others breaks down and **informal resolution** is not possible.

**All references to the plural herein shall also mean the singular and to the singular shall also mean the plural unless the context otherwise requires.*

This document is available in alternate format on request.

Scope:

The RCC applies to **resident student** conduct where activities or actions are a component of the relationship between the **resident student** and the Residence. This relationship begins at the time of electronic signing of the Humber Residence & Dining Agreement or Humber Residence Agreement during the Residence application process, through to the expiry, cancellation, or termination of the agreement, as well as **withdrawal** from Residence by the **resident student**.

The jurisdiction of the RCC applies to all **residence property** and areas including, but not limited to, the inside of the buildings, entranceways, walkways and roofs. Areas surrounding the

outside of the Residence are not considered to be within the scope and jurisdiction of the RCC, and will be referred to the Code of Student Conduct or other established policy. Residence events that are hosted either on or off-campus are considered to be within the jurisdiction of the RCC.

Complaints that do not fall within the scope of the RCC (i.e. campus-related complaints, or non-student or staff complaints) will be referred to the appropriate area(s) according to established policies and procedures of the College.

Resident students are subject to all local, municipal, provincial, and federal laws. In cases where the Residence is aware of the potential violation of criminal law, the Residence may refer the incident to the appropriate law enforcement agency.

Enforcement of Policy

Resident students may be held responsible for any violations that occur in their **unit**, whether the **resident student** is present or not.

Guests, who engage in **prohibited conduct**, may be asked to leave Residence in addition to being trespassed from **residence property**. If **guests** are students of the College, their incident information may be shared with the Office of Student Conduct for follow up.

All **Residence staff** connect with **resident students** based on their preferred communication method(s) supplied at the time of application to live in Residence. **Resident students** are encouraged to supply the Residence with up to date (preferred) contact information.

Residence staff (Resident Assistant's, Residence Life Coordinator's, Front Desk Assistant's, etc.) may be required to enter or **block a unit** in order to maintain safety and security, or to uphold the Code.

Residence Life Staff and the Department of Public Safety staff have the right to: end any event or social gatherings that they deem in violation of the RCC, are unsafe, are disrespectful of other **resident students** or staff, and to determine behaviour or material to be graphic or offensive.

As applicable, all prohibited items will be confiscated by **Residence Life Staff**, the Department of Public Safety personnel, or Toronto Police Services. **Residence Life Staff** and the Department of Public Safety reserve the right to inspect and dispose of improperly transported alcohol.

The determination and threshold for what is considered to be an **excessive level of noise** is left to the discretion of **residence staff**, and will differ significantly between **courtesy hours** and **quiet hours**.

Where a **Respondent** has an employment relationship with the institution, Human Resources may be notified of an investigation and the outcome thereof.

Multiple Proceedings

In some instances, the actions of a **resident student** may intersect or violate more than one institutional code or policy. Where multiple internal codes or policies apply, those responsible for the codes will confer to determine which process should be applied, which takes precedence, and whether engaging multiple proceedings is warranted. To the extent that there is any conflict or overlap between the provisions of any applicable policy, such conflict will be resolved by consultation between the parties responsible for the administration of relevant codes or policies.

Investigations under the RCC may be carried out prior to, simultaneously with, or following criminal arrest or civil/criminal proceedings at the discretion of **senior staff**, in consultation with the Department of Public Safety. The outcome of any criminal or civil proceeding will not determine the outcome of the **resident student's** accountability under the RCC.

Whereby an external process, such as a criminal proceeding, does not serve the needs or interests of the institution in maintaining a safe and welcoming living and learning environment, the Residence may choose to take **interim measures** and/or delay an internal investigation.

Interim Measures

Should the Residence, often at times in conjunction with College staff, deem student conduct to pose an immediate, ongoing, or possible risk to the Residence, an official from one or both of these areas, acting within the scope of their position(s) may impose **interim measures**. **Interim measures** are taken in an effort to protect the safety and wellbeing of **resident students** and/or the Residence community, and can include room relocation, the removal and ban from **residence property**, and/or other necessary restrictions prior to the completion of an investigation. **Interim measures** are preliminary in nature and are generally in effect only until an investigation or **appeal** review has been completed. The introduction of **interim measures** does not imply a finding of "responsible."

Definitions:

Please see Appendix A for a list of definitions for each of the bolded terms found within this document.

Policy:**Resident Student Rights & Responsibilities**

All **resident students** have a responsibility as a member of the community to contribute towards a safe, inclusive, positive, and welcoming living and learning environment. All **resident students** have a right to make a complaint when this is violated.

All **resident students** have a responsibility to make complaints and/or report incidents that are knowingly true.

All **resident students** have a responsibility to report incidents of **prohibited conduct** when there may be a risk of harm, a possible violation of the RCC, or an impact to the dignity of any **resident student** or community member.

All **resident students** have a responsibility to engage in **responsible behaviour** (expectation 1.1, p. 6), and conduct themselves in a manner that is consistent with the core values embraced by this policy, the Residence, as well as the College, including its various policies and procedures.

All **resident students** have a responsibility to be aware of policies, codes, and laws of the land that guide expectations of conduct. **Resident students** are responsible for ensuring that their **guests** also adhere to these expectations. Individual accountability is essential to the student experience and the RCC. Ignorance, anger, alcohol or substance abuse will not excuse **prohibited conduct**.

All **resident students** have a responsibility to provide identification to **residence staff** (Front Desk Assistant's, Resident Assistant's, etc.) when requested and upon entrance to the Residence.

All **resident students** are encouraged to supply the Residence with up to date (preferred) contact information.

All **resident students** have a right to procedural fairness, the process that ensures that an individual who is alleged to be in violation of the RCC is given fair consideration in the investigation and determination of responsibility as it relates to the RCC. These rights include:

1. The right to a fair process including being made aware of and given an opportunity to respond to, correct or contradict any information available, in person and/or in writing.
2. The right to appeal based on the conditions explained in the Grounds for Appeal section of the RCC.
3. The right to have a **support person** or an advisor (an employee of the College) made available to guide the student through any stage of the process, if desired. A **support person** can be self-arranged by the student. Upon request, a support person and/or advisor can be arranged by either the **Investigating Officer** or **Hearing Officer**.

Accommodations

Resident students may request accommodation at any point in the process through discussion with either the **Investigating Officer, Hearing Officer**, or by contacting the Residence Life Manager. Accommodations will be provided in accordance with the Ontario Human Rights Code and the *Accessibility for Ontarians with Disabilities Act (AODA)*.

Resident students may also request accommodation in regard to the RCC policy and its requirements and/or expectations. All requests can be submitted to the Residence (via **Residence Staff**), or through the Residence Life Manager. Requests will then be forwarded to the appropriate individual to hear the request.

The following list includes, but is not limited to, some of the possible accommodations that a **resident student** may request with respect to: ceremonial and/or cultural/religious requests, **guest** policies, medical drug permissions, **residence property** and **furnishings** adjustments, support animals (service, therapy, emotional support), specific equipment or device use, and other extenuating circumstances as identified by the **resident student**.

The Role and Responsibility of Residence & Campus Partners

i. Residence Life Staff

Resident Assistants work to enforce and uphold the RCC, primarily acting as a first responder and documenting potential incidents. Likewise, a Residence Community Assistant administers lower level conduct processes, whereas the Residence Life Coordinator is a professional staff member whose primary responsibility is to administer the majority of investigative processes. The Residence Life Manager is a **senior staff** member that oversees all **Residence Life Staff**, and typically investigates serious conduct concerns, and has the ability to refer cases to the Code of Student Conduct, implement higher level **sanctions** and/or **interim measures**.

ii. Campus Services

The Front Desk Coordinator is a professional staff member whose primary responsibility is to help administer **conduct** processes involving **guests** and **hosts**.

iii. Office of Student Conduct

The Office of Student Conduct promotes the rights, well-being, and safety of all community members through enforcement of the College's Code of Student Conduct. As discussed, complaints that do not fall within the scope of the RCC are often referred to the Office of Student Conduct for resolution under the Code of Student Conduct.

iv. Director Student Life Programs

The Director, Student Life Programs is a **senior staff** member from the Department of Student Success and Engagement, who oversees all **Residence Life Staff** including the Residence Life Manager and the Office of Student Conduct. This individual has the ability to refer cases to the Code of Student Conduct, implement higher level **sanctions** and/or **interim measures**.

Resident Student Expectations

The content in the following sections outlines both **responsible behaviour** (expectations) and **prohibited conduct**, essentially behaviour that is deemed acceptable for living in residence and the behaviour that would constitute a violation of the RCC respectively.

1. Responsible Behaviour

Resident students are encouraged to personally contribute to the development and maintenance of safe, inclusive, and welcoming environments in Residence.

Expectations

- 1.1. Engaging in **responsible behaviour** is an expectation of all **resident students**.
- 1.2. **Responsible behaviour** entails a requirement to be proactive in preventing problems from occurring in Residence.
- 1.3. Should **resident student** bystanders involve themselves during incidences of prohibited conduct, individuals are expected to de-escalate the conflict (i.e. finding a **Residence Life Staff** member, encouraging involved parties to cease/desist, encourage passive observers to vacate the area, etc.).

Prohibited Conduct

- 1.4. Supporting or inciting behaviour which can lead to **prohibited conduct**, whether through encouragement, peer pressure, or other means.

2. Personal Safety

Resident students are encouraged to assist in the provision of a safe, secure, and comfortable living environment.

Expectations

- 2.1. Compliance with the requests or directives of Humber staff is necessary, whether verbal or written.

Prohibited Conduct

- 2.2. Possession and/or use of firearms, ammunition, projectile-emitting objects, explosive devices, as well as other dangerous weapons, chemicals, replicas, including toys, or other objects that can create cause for alarm.
- 2.3. Entering/accessing unauthorized areas unless accompanied by a **Residence Staff** member. This includes areas not normally used by persons other than **Residence Staff** including, but not limited to: restricted doorways/entrances, locked basement areas, roof tops, mechanical rooms, or any area marked "off limits to unauthorized personnel" or "staff only," or as it is implied by being locked.

- 2.4. Entering Residence through a non-designated entrance or exit, except during an emergency or fire alarm.
- 2.5. Any physical contact between two or more individuals that is deemed unwanted, inappropriate, and/or unnecessary (physical aggression).
- 2.6. Falsifying identification, concealing identity (i.e. masks), and the facilitation of false identification for others.
- 2.7. The removal of door closures and window screens.
- 2.8. Discarding objects, leaning, and/or extending body parts through windows.

3. Harassment & Discrimination

The College, and thus the Residence, has the right, as well as the moral and legal responsibility to ensure that all its members are treated fairly, equitably, and respectfully, in order to provide a learning, living and working environment that is free from discrimination, harassment (including sexual harassment), and intimidation. To this end, the College's Human Rights Policy (www.humber.ca/policies/human-rights-policy) outlines acceptable and unacceptable expectations and behaviour) with respect to human rights and the responsibilities of the College, **resident students**, and employees.

Expectations

- 3.1. **Resident students** are expected to abide by the expectations outlined in the College's Human Rights Policy.

Prohibited Conduct

- 3.2. Posting, sharing, and/or distribution of graphic, harassing or offensive materials within the Residence, including inside **units**.

4. Sexual Assault & Sexual Violence

All members of the College, and thus the Residence, have a right to live, work, and study in an environment that is free from any form of **sexual violence**. **Sexual violence** is a broad term that describes any violence, physical or psychological, carried out through sexual means or by targeting sexuality.

The College's Sexual Assault and Sexual Violence (www.humber.ca/policies/sexual-assault-and-sexual-violence-policy) policy sets out the policy and response protocol to **sexual violence**, and ensures that those who experience **sexual violence** are believed and that their rights are respected. The policy also discusses the College's process of investigation that protects the rights of individuals and holds individuals who have committed an act of **sexual violence** accountable.

Expectations

- 4.1. **Resident students** are expected to abide by the expectations outlined in the College's Sexual Assault & Sexual Violence policy.

- 4.2. Before engaging in sexual activity, **Resident students** are expected to ensure that they have clear and affirmative consent, the voluntary agreement to engage in the sexual activity in question. Additional “consent” information is outlined in the College’s Sexual Assault and Sexual Violence policy.

Prohibited Conduct

- 4.3. **Sexual violence**, including sexual assault and/or harassment.

5. Fire Safety

As it has a significant impact on the Residence community and first responders, **Resident students** are encouraged to promote fire safety within their communities, and promote positive behaviours with respect to policy adherence and safe living.

Expectations

- 5.1. **Resident students** who witness fire are expected to activate the fire alarm.
- 5.2. All **resident students**, with the exception of those who require assistance, must immediately evacuate the building during a fire alarm. This includes drills.
- 5.3. During a fire and/or alarm, **resident students** are required to follow **residence staff** direction and safety protocol. All **resident students** and **guests** will be permitted to return to the building when directed to do so by authorized personnel.
- 5.4. Due to risk of fire, **resident students** may only use approved devices and appliances within the Residence. For a complete list of these approved items, please see the Student Residence Handbook (www.humber.ca/residence).

Prohibited Conduct

- 5.5. Intentionally setting fire, lighting flammable material, or creating open flames.
- 5.6. Intentionally setting off the fire alarm, and/or, activating sprinklers when there is no cause for concern.
- 5.7. **Tampering** with any fire and/or life safety equipment including, but not limited to: fire extinguishers, smoke and carbon monoxide detectors, heat sensors, light/strobe devices, elevator and elevator alarms, or any other aspect of the fire alarm system.

6. Residence Facilities & Property

Resident students are encouraged to take pride in the building and communities that they live in, and assist in the provision of a clean, safe, and welcoming living experience for all **resident students**.

Expectations

- 6.1. **Resident students** must work to maintain both a clean and orderly **unit**, as well as any **common room space**.
- 6.2. All personal belongings and/or **residence property** must be stored inside the **unit**, as they can become obstacles during an evacuation.

- 6.3. **Furnishings** must not block any room entrances, exits, or be within close proximity of heating and air conditioning units/vents.
- 6.4. As it can cause **residence property** damage and/or excessive noise, sporting equipment and mobile athletic equipment (skateboards, skates, hoverboards, etc.) must be used outside of the Residence.
- 6.5. All organized and/or themed events must be led by a **Residence Life Staff** member, the Humber Residence Council, and/or be approved by a Residence Life Coordinator in advance.
- 6.6. In order to limit the presence of combustible material, post-able material is limited to approved areas only, such as the hallway and Residence door bulletin boards.
- 6.7. All advertisements must be approved as described in the Student Residence Handbook.

Prohibited Conduct

- 6.8. Smoking anywhere inside the building. This includes the use of devices such as electronic cigarettes, smokeless cigarettes, and vaporizers.
- 6.9. The use of incense or other combustible materials or substances.
- 6.10. The overloading of electrical outlets. This can occur when multiple appliances, devices, or power bars are plugged into an outlet and/or each other.
- 6.11. Entering other **resident student units** without permission from the **host(s)**.
- 6.12. Theft and/or damage of **residence property** or other **resident student** personal belongings.
- 6.13. Removal, alteration, or relocation of **residence property**, unless when completed by **Residence Staff**.
- 6.14. Attending, hosting, or advertising, **large social gatherings** in Residence, whether the gathering is organized or spontaneous in nature.
- 6.15. Posting or displaying text, media, or graphics on windows.
- 6.16. The possession of pets, including fish, in Residence.
- 6.17. Using any space or service in Residence for commercial purposes. This includes any profit-driven activities, as well as the promotion and/or hosting of events which are intended to promote/sell goods or services.
- 6.18. Participating in and/or hosting gambling-related events in Residence. This involves activities that require the exchange of money/material goods, where the outcome is uncertain, and/or where there is intent to win a portion of the money/material goods.
Exception: Residence led events for prizes.

7. Illegal Drugs and Controlled Substances

Circumstances that warrant suspicion of the use, possession, distribution, or dependency of illegal drugs, controlled substances, non-prescription drugs and/or prescription drugs not prescribed to the person in possession of these substances, can initiate an investigation. This is regardless of whether the suspicion arose through specific and direct observations regarding the physical surroundings of a **common room space**, **personal room space**, or **suite space**, or by the observations of one's behaviour, speech, and/or odour during the incident.

Prohibited Conduct

- 7.1. Using, being under the influence of, possession, trafficking and/or the distribution of illegal drugs, controlled substances, non-prescription drugs and/ or prescription drugs not prescribed to the person in possession of these drugs.
- 7.2. The possession and/or use of drug paraphernalia, equipment or material that is used to facilitate the use/misuse of illegal drugs or substances. An object becomes drug paraphernalia as soon as it used, and/or comes in contact with, illegal drugs and/or substances.

8. Alcohol

Residence promotes the responsible and sensible consumption of alcohol.

Expectations

- 8.1. Alcohol may only be consumed in the **unit**.
- 8.2. In cases where the **host(s)** is/are having a small social gathering, visibly intoxicated individuals are the responsibility of the **host(s)** until they are sober, and/or they have arranged for the individual's safe transport and care.
- 8.3. At a small social gathering where alcohol is or may be present, the **host(s)** must provide food to promote a safer and healthier gathering for all attendees.
- 8.4. During transport between **units**, all alcohol containers must be closed with a proper lid. A closed container is defined by being able to turn it upside down without any spillage.

Prohibited Conduct

- 8.5. The Residence enforces the Ontario Liquor License Act and the Alcohol Gaming Commission of Ontario, which include prohibiting the consumption, possession, sale to, or giving away of alcohol to anyone under the age of nineteen (19).
- 8.6. As each are often associated with irresponsible consumption, the **mass consumption** of alcohol, participation in **drinking games or events**, use of **alcohol paraphernalia**, and use of **large volume alcohol containers**.
- 8.7. Consumption of alcohol in **common shared space(s)**.
- 8.8. Possession of glass beer and malt liquor bottles.

9. Excessive Noise/Quiet Hours

Excessive levels of noise have a significant impact on the learning environment, thus, one individual or group's right to quiet always supersedes another individual or group's right to create an **excessive level of noise**. When it is not **quiet hours**, **courtesy hours** are in effect. During **quiet hours**, **resident students** are encouraged to utilize the cafeterias and lounges for gatherings, in order to minimize disruptions in the community.

Expectations

- 9.1. **Resident students** are expected to be aware of and respect the parameters with respect to **quiet hours, courtesy hours, the examination period, and extended quiet hours** communities.
- 9.2. **Resident students** must ensure they are maintaining a **reasonable level of noise** given the time of day.
- 9.3. In situations where gatherings are disruptive to members of the community, **resident students and guests** may be asked to disperse.
- 9.4. Pending they do not exceed the threshold for **reasonable level of noise**, electronic equipment, speakers, and most instruments are permitted to be played in Residence.

Prohibited Conduct

- 9.5. Creating, encouraging or facilitating an **excessive level of noise**.
- 9.6. Brass, woodwind, most percussion instruments, subwoofers, and other instruments deemed to be disruptive.

10. Guests

Resident students have the privilege of signing **guests** into the Residence. When a **resident student** registers a **guest**, they become the individual's **host**.

Expectations

- 10.1. **Resident students** must register all **guests**. All guests includes those visiting for a short period of time, parents and family members, etc. Approved and valid photo identification for each **guest** is required.
- 10.2. **Resident students** must accompany their **guest(s)** at all times, with the exception of using the washroom facilities.
- 10.3. **Resident students** are responsible for the behaviour of their **guest** at all times, and ensuring that **guests** are aware of, understand, and abide by the RCC. If a **guest** violates the RCC, the **host** may be held responsible as though the **host** violated that policy.
- 10.4. A **resident student** may register two (2) **guests** during the day between 7:00AM to 11:59PM.
- 10.5. A **resident student** may register one (1) **overnight guest**.
- 10.6. A **resident student** may sign in a **guest** for a maximum of three (3) consecutive overnights, with no more than nine (9) overnight visits per month per individual **guest**.
- 10.7. A **guest** may not stay overnight in the Residence more than nine (9) nights in a month, regardless of the **host** they are registered with.
- 10.8. All **guests** receive a Guest Card, which they must carry with them at all times, and show to **Residence Staff** and/or Department of Public Safety as requested.
- 10.9. **Resident students** must escort their **guest** out of the building and ensure the Guest Card has been returned to the front desk. Guest Cards that are not returned will count toward the 9 night maximum.

- 10.10. **Residence Staff** reserve the right to restrict the number of **guests** allowed to be signed in by a **resident student** at certain planned times of the year, as well as without notice in extenuating circumstances and/or when there is a concern for the safety and security of the Residence community.

Prohibited Conduct

- 10.11. **Hosts** are not permitted to leave their **guest** in their room unaccompanied.
- 10.12. **Hosts** are not permitted to have minors as **overnight guests** in Residence. Minors are individuals that are 17 years of age or younger. Minors will be permitted to be signed in as **guests** before the overnight period, but will be required to sign-out and vacate the premises prior to this period commencing.

The Residence Code of Conduct Process

The RCC process initiates when **residence staff** receive one or more of the following:

- i. A **residence life staff incident report**, providing a report to the Residence regarding an alleged violation of the RCC.
- ii. A Department of Public Safety **Incident Report**, providing a report to the Residence regarding an alleged violation of the RCC.
- iii. A complaint/allegation is registered by any **Complainant** providing a report to the Residence regarding an alleged violation of the RCC.

The alleged behaviour must have taken place while the **Respondent** was a **resident student**.

If a determination is made that an investigation is required, an **Investigating Officer** is assigned to the complaint by a **residence staff**, often coordinated by the Residence Life Coordinator. In some cases this individual may assign themselves as the **Investigating Officer**, or refer the case to the most appropriate **Investigating Officer** (i.e. the Residence Community Assistant, Front Desk Coordinator, or Residence Life Manager, etc.).

The Residence will respect the confidentiality of all persons, including the **Complainant**, **Respondent**, and any applicable witnesses. However, proper investigation may require the disclosure of the identity of the **Complainant** to the **Respondent**, third parties, and/or witnesses.

No **interim measures** or **sanction** will be taken against a person or group without their knowledge where there is an alleged violation of the RCC. **Respondents** will be given reasonable notice, details of the allegation(s), and provided with an opportunity to respond and answer to the allegations against them.

All individuals should feel safe to make a complaint under the RCC without fear of reprisal. Any action of reprisal against an individual for having sought to enforce the RCC, is itself a violation of the RCC, and is subject to disciplinary action.

A **Complainant** has the right to withdraw a complaint at any stage of the process. However, the Residence may continue to act on the concern(s) identified in the complaint in order to ensure a safe and secure environment conducive to academic pursuits.

If a person, in good faith, discloses or files a complaint that is not supported by information gathered during an investigation, that complaint may be dismissed. **Vexatious** complaints, or disclosures, that are found following investigations, may result in **sanctions** against the **Complainant**.

Investigations

The following steps outline the process used to bring about resolutions to known issues or complaints.

Within five (5) business days of the **incident report**, or complaint being received, a fact-finding, information-gathering process will commence with all involved parties. After being informed of the alleged violations, the **Respondent(s)** will be asked to provide a written and/or verbal response to the **Investigating Officer**. Should an individual refuse to participate in an investigation, the investigation will proceed without the individual, and **sanctions** will be based on the available information.

Investigations may not be conducted or may be deferred under the following circumstances: informal resolutions pathways are fitting and have not yet been attempted; lack of clarity about the nature of the complaint; concern for the safety, well-being, or employment status of the parties involved; criminal proceedings; or if the complaint appears to be unclear, unfounded, **vexatious** or made in bad faith.

Decision Making & Resolutions

The **Investigating Officer** will resolve the concerns by making a decision as to whether the **Respondent** is responsible for the alleged violation(s). Decisions on whether a student has failed to meet expectations and/or engaged in **prohibited conduct** will be based upon a review of information and facts provided by the parties involved, gathered by the **Investigating Officer** and assessed on the standard of balance of probabilities.

The standard, the balance of probabilities, is met if the proposition is more likely to be true than not true. Effectively, the standard is satisfied if there is greater than 50 per cent chance that the proposition is true. Simply stated as "more probable than not", this is the standard that must be met in order to demonstrate that there has been a contravention of this policy.

The **Investigating Officer** will provide written notice to the **Respondent** of the decision, including any **sanction(s)** if applicable. Please note that each matter will be dealt with in a flexible manner with all parties where possible. Administrators of conduct processes shall strive to resolve and reach a decision on each case within two (2) months.

Hearing Officers

Some incidents are referred by the **Investigating Officer** to a **Hearing Officer** for final review of information and decision making. Circumstances which may be referred to a **Hearing Officer** include, but are not limited to:

- The nature of the **violation(s)** is/are particularly severe (i.e. violence, sexual violence, harassment, etc.).
- The potential **sanction** as a result of a finding of responsibility cannot be implemented by the current **Investigating Officer**.
- Cases where the **Investigating Officer** identifies a greater need to preserve rapport, and maintain the ability to be a support for, the **resident student**.
- Cases that are referred to, or may require adjudication under, the Code of Student Conduct.

Sanctioning

Should a **resident student** be found responsible for failing to meet expectations and/or engaging in **prohibited conduct**, a number of factors can contribute to the selection of one or more **sanctions**, such as the following: a **resident student's** conduct history, current or previously imposed **sanctions**, cumulative or repeated behaviour, the severity of the **resident student's** behaviour, the acceptance of responsibility, the willingness to restore the relationship or situation, and/or other mitigating factors.

Sanctions

- a. **Written Warning:** An official letter indicating that a **resident student** has been found responsible for the violation(s), while highlighting the need for awareness, caution or corrective action.
- b. **Apology:** in an effort to help restore the harm done, **resident students** may choose to apologize.
- c. **Community Involvement:** Community service to the Residence, institution, or to the larger community; engagement through co-curricular involvement.
- d. **Developmental and Educational Initiatives:** Participation in leadership opportunities, awareness, health or safety programs; reflective learning or personal success exercises; projects, seminars, and other assignments as warranted.
- e. **Restitution:** Compensation (monetary) for loss of or damage to property or services rendered.
- f. **Restriction:** Privileges are those that if restricted, may affect full participation in Residence services or various permitted behaviours. Examples: loss of guest privileges, ability to consume alcohol, a ban or formal trespass notice from a specified area (floor or building community, or Residence), or a no contact order between **resident students** and/or **guests**, for a designated period of time.
- g. **Revoking of Awards/Grants:** the reversal/removal of awards and/or grants.

- h. **Community Billing:** When **residence property** damage/vandalism occurs in **common room space(s)** damage/vandalism occurs, where and the responsible persons are not identified, and repair and administration costs are/will be charged to every **resident student**, or a specific section of the Residence.
- i. **Behaviour Contract:** A description of the terms, signed by the **resident student**, that outline expectations that must be adhered to in order to participate in all or some activities normally considered to be rights of **resident students**.
- j. **Behaviour Bond:** a conditional monetary notation between the **resident student** and the Residence, which can be forfeited in the event of future findings of responsibility for violation(s).
- k. **Probation:** A period of time where the **resident student** is given the opportunity to modify unacceptable behavior, to complete specific assignments, and to demonstrate a positive contribution to the community. Probation allows **resident students** the opportunity to demonstrate that they want to remain in Residence and understand what is required to maintain their Residence status. Further violations in Residence will result in the termination of a **resident student's** Humber Residence Agreement or Humber Residence & Dining Agreement. Although the probation date ends based on the Residence Agreement or Residence Dining Agreement, probation is implied to extend to subsequent contract periods if applicable.
- l. **Revoking of Residence Eligibility:** an inability to apply to live in the Residence for subsequent terms.
- m. **Relocation:** a requirement to relocate from a current personal room space, to a different and specific personal room space. There may be increased costs for the resident student, associated with being relocated, as discussed in the Room & Dining Agreement or Room Agreement.
- n. **Suspension:** A suspension is defined as a period of time where a **resident student** is temporarily prohibited from residing in or otherwise being in Residence. Throughout the suspension period, a **resident student** is responsible for the full cost of the Residence space in addition to being restricted from entering all other **residence property**.
- o. **Eviction.** The cancellation of a **resident student's** Humber Residence and Dining Agreement or Humber Residence Agreement with cause. The decision letter will explain the reason(s) for this **sanction**, and will include conditions of the eviction. **Resident students** who are evicted from Residence may also:
 - Be restricted from the **residence property** and/or Humber College properties;
 - Forfeit their Residence eligibility;
 - Risk forfeiting their Residence fees;
 - Be asked to leave Residence immediately. However, a 48 hour period is often granted to vacate the Residence.
- p. Any **other sanction** deemed appropriate in the circumstances and given the scope of the decision maker.

Appeals

The **appellant** may commence an **appeal** request within five (5) business days of the decision letter date. To commence an **appeal**, a **resident student** must complete the Appeal Request Form found online (www.humber.ca/residence). An **appeal** will occur when at least one of the following conditions/grounds is met:

1. There is new information that is likely to change the decision.
2. There is evidence of bias and/or procedural error (a flaw in the process of investigating or considering an allegation).
3. The **sanction** imposed is not consistent with the nature of the offense.

When requesting an **appeal**, a **resident student** must submit the Appeal Request Form indicating:

1. The conditions/grounds under which the **appeal** is being made;
2. The explanation/reasons that will be used to support the grounds for appealing;
3. The requested resolution;
4. The decision letter along with any other supplementary documentation/information.

Filing or receiving an **appeal** does not stay (postpone) the decision under **appeal**. Therefore, **Resident students** are required to adhere to all **sanctions** during the **appeal** application/process.

Assigning Appeals

The **resident student** will receive information in their original outcome letter which details the individual who will receive their **appeal submission** if they chose to request an **appeal**. The **appeal** request will be assigned to an individual that has the next highest seniority level to the initial decision maker. Specifically, if the initial decision maker is the Residence Community Assistant, the **appeal** request will be assigned to the Residence Life Coordinator. If the initial decision maker is the Residence Life Coordinator or Front Desk Coordinator, the **appeal** request will be assigned to the Residence Life Manager. If the initial decision maker is the Residence Life Manager, the **appeal** request will be assigned to the Manager, Office of Student Conduct, or their designate. If the initial decision maker is the Manager, Office of Student Conduct, or their designate, the **appeal** request will be assigned to the Director, Student Life Programs. Lastly, if the initial decision maker is the Director, Student Life Programs, the **appeal** request will be assigned to the Dean of Students.

The individual receiving the **appeal submission** will typically assign themselves to manage the **appeal**. In some cases (staffing issues, availability, conflicts of interest, etc.), this individual may refer the **appeal** to a different individual.

Appeal Review

If an **appeal** request is granted, the individual assigned to the **appeal** will conduct a formal review of the **appeal submission** within five (5) business days after receipt of the received

appeal submission, and either overturn, amend, or uphold the original decision of the **Investigating Officer** or **Hearing Officer**. This individual may also consider any relevant new evidence, the case file, and/or request to meet with the **appellant**. The decision of this individual serving in this capacity is final, and the student will have exhausted all available means of review at Humber.

If the Residence, or Office of Student Conduct, and/or Department of Public Safety deem a **resident student** a risk to self or others, the **resident student** will not be permitted in the Residence or on campus until the process is completed.

The decision to deny an **appeal** request is final and the student will have exhausted all available means of review at the College.

The individual reviewing the **appeal** may grant any remedy they see fit, including upholding the decision and outcome; imposing a lesser outcome; or granting the resolution requested by the student.

Confidentiality

The Residence will maintain the confidentiality of all personal and private information. For more information, please see the *Freedom of Information and Protection of Privacy Act*.

Delays & Time Limits

Time limits outlined in the RCC may be extended by the mutual consent of the **resident student** and the Residence or Office of Student Conduct. The failure to meet a time limit prescribed by the RCC does not render any **sanctions** assigned via the RCC process void. Rather, the **appeal** review individual may consider a failure to meet prescribed timelines in considering an appropriate outcome.

Record Keeping

All information and record keeping pertaining to a complaint or report under the RCC will be kept in accordance with the *Freedom of Information and Protection of Privacy Act* (Ontario) ("FIPPA").

A physical record of the case files and final decisions, including **appeals**, made under the RCC will remain in the Residence for a period of up to seven (7) years. All electronic records, with the exception of evicted and/or trespassed individuals, shall be retained for at least ten (10) years, but will be kept indefinitely as a priority pending available storage/server space. All electronic records of evicted or trespassed individuals shall be retained indefinitely. All files are deemed confidential and are subject to FIPPA. Disclosure of case file information will be managed through the Freedom of Information (FOI) and Privacy Office at the College, with the following exceptions:

- The disclosure of information to a **Respondent** prior to the closure of an investigative process;
- A conduct check accompanied by a signed consent form for the purpose of granting acceptance for student leadership involvement/employment opportunities, or professional/registered industry selection processes.

Recording

Recording of any proceedings should be indicated unless required as an official accommodation. Audio or video recording of any stage of the RCC process, by either party, including appeals, is not permitted.

Reporting

The Residence shall report annually to the Director of Student Life summarizing the number of incidents and individuals involved, including the violations, the range of **sanctions** imposed by the institution, the number of **appeals** and the outcome of such **appeals**. The report will contain no identifying personal information. Portions of the report may be made publicly available.

Review Process

The RCC will be reviewed every three (3) years, or as requested by the Director of Student Life Programs or by the Residence Code of Conduct Review Committee, consisting of staff and resident students, including representation from the Humber Residence Council. An editorial review may be conducted annually. Final approval of the Code will be made by the Vice-President, Student and Community Engagement.

Interpretations, comments and specific suggestions for amendments or additions to the code may be referred to the Residence Life Manager or Humber Residence Council.

Appendix:

Appendix A: Definitions

References:

Accessibility for Ontarians with Disabilities Act
Freedom of Information and Protection of Privacy Act
Humber Residence & Dining Agreement
Humber Residence Agreement
Service Animal Policy
Student Residence Handbook

Related Policies and Procedures:

Acceptable Use Policy
Code of Student Conduct
Gender Diversity Policy
Human Rights Policy
Humber College Code of Ethics
Sexual Assault & Sexual Violence Procedure
Sexual Assault and Sexual Violence Policy
Smoking Policy
Student Support & Intervention Procedure

APPENDIX A: DEFINITIONS

Alcohol Paraphernalia: devices that facilitate the mass consumption of alcohol. Examples of paraphernalia include, but are not limited to: beer funnels, drinking hats, etc.

Appeal: the process whereby resident students challenge a decision based on any of the applicable regulations or codes relating to their relationship as resident students at Humber.

Appeal Submission: a general term that refers to the appellant's submission of a request for appeal. In addition to the Appeal Request Form, the term is also intended to refer to the appellant's physical file, which includes any supporting documents from the original proceeding.

Appellant: the resident student who has been found accountable for violating the RCC, and who is initiating an appeal of the initial decision.

Block: a term that is used to describe the deactivation of a resident student's unit door lock mechanism, often implemented in order to maintain safety and security, or to uphold the code.

Common Room Space: a general term that refers to all other areas that are permitted for resident student use, aside from units. An example of this space includes, but is not limited to: study rooms, lounges, washrooms, hallways, etc.

Community Member: any individual affiliated with the College who is involved in the learning community or in providing a service that contributes to the operation of the College. Community members include but are not limited to students, faculty, staff, contracted service providers and guests.

Complainant: the person initiating the complaint, where applicable.

Courtesy Hours: the period from Sunday through Thursday from 9:00AM to 11:00PM, Friday 9:00AM through to Saturday at 1:00AM, and Saturday 9:00AM through to Sunday at 1:00AM. Courtesy hours also refers to the period of time when it is not quiet hours. The definition and threshold for determining reasonable level of noise will be elevated during this time in comparison to quiet hours. Exception: extended quiet hours communities, or during the examination period where, courtesy hours is defined as the period from 5:00PM to 8:00PM that day.

Drinking Games & Events: a term that refers to any activity where there is a connection to alcohol consumption, and/or the mass consumption of alcohol. Examples of these activities include, but are not limited to: beer pong, flip cup, century club, kings, etc.

Examination period: determined by the Residence, and typically informed by the College examination period; a period of time where students typically demonstrate increased study and other academic work. Surrounding the examination period, quiet hours are increased, and courtesy hours are reduced. During this period, courtesy hours occur between 5:00pm and 8:00pm each day, whereas quiet hours occur between 8:00pm and 5:00pm on the following day.

Excessive Level of Noise: a level of noise that has surpassed the threshold of a reasonable level of noise.

Extended Quiet Hours: the term referring to a community that has permanently modified *quiet hours*. This period is defined as Sunday through to Friday morning from 10:00PM to 9:00AM, Saturday 12:00AM to 9:00AM, and Sunday 12:00AM to 9:00AM.

Furnishings: a general term that refers to either residence property or personal property.

Guest: any individual present within Residence that is not a resident student or residence staff member. These individuals are required to register with the Front Desk, and include individuals such as parents, guardians, and family members.

Hearing Officer: a designated representative from the Residence or the Office of Student Conduct, or their designate, responsible for reviewing the information compiled by an Investigating Officer to ensure a fair review process or to facilitate the hearing process with the objective to assess the allegation(s) based on a balance of probabilities and dismissing or imposing sanction(s).

Host: a term that refers to the owner(s) assigned to the unit. The term also may refer to the individual(s) who invited, registered a guest(s), and/or provided access for others to the event and/or space in question.

Incident Report: a document used to track and report behaviour that may be in breach of the RCC. Also refers to a Department of Public Safety document used to report behaviour.

Informal Resolution: a means of resolving an issue without employing a formal process.

Interim Measures: a decision, up to and including the immediate removal of a resident student, which is employed to protect the community while a full investigation can take place.

Investigating Officer: a representative from the Residence or the Office of Student Conduct, or their designate, responsible for gathering information related to an allegation against a student. Investigating Officers may also make a decision as to whether the Respondent is responsible for the alleged prohibited conduct, and deliver any sanction(s) if/as applicable.

Large Social Gatherings: a term that refers to eight (8) or more people within a unit, and with at least 1 of the following conditions present: the presence of alcohol, or an excessive level of noise within the unit.

Large Volume Container: a term that refers to containers (quantities) of alcohol that are prohibited based on their type of alcohol and size at the time of purchase. If the container holds more than 750mL of beer, malt liquor, or cooler/cocktail beverage, 1L of wine, or 800mL liquor/spirits, then it is considered a large volume container.

Mass Consumption: when an individual consumes alcohol over a relatively short period of time (swift drinking), and/or, consumes a large quantity of alcohol over a relatively short period of time (high volume drinking).

Overnight Guest: a term that is applied to a guest when they are in residence between 12:00AM (midnight) to 7:00AM for any length of time.

Personal Room Space: a general term that refers to an individual's personal room that has been assigned only to the individual.

Prohibited Conduct: a term that refers to conduct which the Residence has agreed is not acceptable, or which is recorded in a Code or regulation referred to in this document or otherwise within an Academic School.

Quiet Hours: the period from Sunday through Thursday morning from 11:00PM to 9:00AM, Saturday at 1:00AM to 9AM, and Sunday 1:00AM to 9:00AM. Quiet Hours also refers to the period of time when it is not courtesy hours. The definition and threshold for determining reasonable level of noise will be decreased during this time in comparison to courtesy hour. Exception: extended quiet hours communities, and dates surrounding the examination period, where quiet hours is defined as the period from 8:00PM to 5:00PM on the following day.

Reasonable Level of Noise: the level of noise that should be expected in a student living environment, as a result of reasonable living activities. The determination and threshold for what is considered to be a reasonable level is left to the discretion of Residence Staff, primarily Residence Life Staff, and will differ significantly between courtesy hours and quiet hours.

Residence Life Staff: Residence Life Staff members are persons employed by Humber College who work within Residence for Student Success & Engagement. Examples of Residence Life Staff include, but are not limited to: the Resident Assistant, Residence Community Assistant, Residence Life Coordinator, Residence Life Manager, etc.

Residence Property: a general term that refers to all Residence owned property. Examples of residence property include, but are not limited to: all buildings, beds, mattresses, desks, etc.

Residence Staff: a general term to describe any employed Humber College staff member who works for the Residence. Residence Staff are persons employed by Humber College who work within Residence for either the Department of Campus Services or Student Success & Engagement. Examples of residence staff include, but are not limited to: the Resident Assistant, Front Desk Assistant, Residence Community Assistant, Residence Life Coordinator, Residence Life Manager, Residence Manager, etc.

Residence Student: a student that has both electronically signed either the Humber Residence and Dining Agreement or Humber Residence Agreement, and lives in Residence.

Respondent: a resident student who is alleged to have engaged in prohibited conduct.

Responsible behaviour: a term that describes the conduct, or behaviour of resident students that is deemed acceptable for Residence living, as it is in alignment with the RCC and the values and expectations of the College.

Sanction: a consequence, or outcome, as a result of an individual being deemed responsible for violating the RCC.

Senior Staff: staff members that within the scope of their position, can deliver higher level sanctions such as evictions, suspensions, etc. Examples of senior staff include, but are not limited to, the Residence Life Manager, Manager of the Office of Student Conduct, and Director of Student Life Programs.

Sexual Violence: a broad term that describes any violence, physical or psychological, carried out through sexual means or by targeting sexuality. Other elements of the term are described in the College's Sexual Assault & Sexual Violence policy.

Suite: a term that refers to units that have both personal room space and other spaces such as a kitchenette, bathroom and other storage spaces within the unit.

Support Person: an individual that may attend any meetings, including those associated with the investigation, hearing or appeal, in order to provide personal support to an individual. The support person may not speak on behalf of the resident student, but may offer support and guidance to the student in the presentation of their case.

Tampering: a term that refers to, but is not limited to, the damaging, removing, altering, taping, and/or disengaging of a device or residence property. In the case of elevator equipment, tampering also refers to actions such as jumping or blocking.

Trafficking: as a Residence term, trafficking refers to the sale of illegal drugs or other substances to others, and/or the possession of an amount of an illegal drug and/or substance that is deemed by the Department of Public Safety to be excessive for recreational use.

Unit: for resident student's living in suite style accommodations, the term refers to the suite. For student's living in single style accommodations, the term refers to the personal room space.

Vexatious: a complaint which is intended to harm the reputation or success of an individual, which is not based in truth.

Withdrawal: A resident student's completion of the Residence's Withdrawal Form, in addition to their vacating of the Residence.