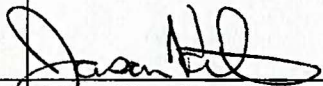


<b>Policy #</b>	SSE 103
<b>Approved by:</b>	Jason Hunter
<b>Approval Date:</b>	September 8, 2015
<b>Policy Holder Signature:</b>	
<b>Policy Holder:</b>	Vice President, Student and Community Engagement
<b>Administrative Contact:</b>	Dean of Students
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## CODE OF STUDENT CONDUCT

### Purpose:

The purpose of the Code of Student Conduct (the “Code”) is to define the responsibility of The Humber College Institute of Technology and Advanced Learning and University of Guelph-Humber (hereinafter referred to as “the College” or “Humber”) **students** to act in a manner that respects the rights, safety and wellbeing of others. The goal and responsibility of the College is to provide an academic community encompassing all aspects of college/university life, such that the pursuit of education and personal growth can take place in a safe and welcoming environment. The intent of the Code is to provide a framework to resolve issues when respect for the rights of others breaks down and **informal resolution** is not possible. These principles and values can only be realized in an atmosphere of respect, safety and security.

In the context of the Code, all references to Humber are inclusive of both Humber College and the University of Guelph-Humber.

**This document is available in alternate format on request.**

### Scope:

The Code applies to non-academic student conduct where activities or actions are a component of the relationship between the **student** and the College, or between **community members** during that period of time. This relationship begins at the time of application or registration in a program or course through to the completion of the course or graduation, including withdrawals from the program.

The Code does not supersede or negate any rights or responsibilities provided by law; rather, it sets out the College’s expectation that **community members** act with a higher level of responsibility in order to preserve a safe, respectful and inclusive academic environment. The Code does not seek to limit rights of freedom of expression as provided by law; however,



behaviour that interferes with the institution's operations, the ability of others to study or learn, and/or the health or safety of **community members**, is unacceptable.

Student conduct that has a direct and adverse impact on the Humber community, its **community members**, and/or the pursuit of its objectives regardless of where such conduct may occur, either on or off campus, is covered by the Code. Off-campus activities which affect **community members** or the College's workplace, living and study environment may include, but are not limited to: College-related social functions, student government-related functions, work or academic placements, off-campus field trips, or work or academic-related travel. **Students** who study abroad must adhere to the Code as well as the regulations of the specific study abroad program, the host institution, and the laws of the land, in addition to respecting the customs of the host country.

In conjunction with the [Acceptable Use Policy](#), the use of **technology**, including personal communications and online profiles, to engage in behaviour intended or with the potential to do harm to a **community member** or the community in general will be treated as having equal impact and intent as other means of communication and is also within the scope of the Code.

A complaint against a non-student (i.e. faculty, staff) will be referred to the **Academic School** or department responsible for that individual, with the involvement of the Department of Human Resources, as necessary, according to established policies and procedures of the College.

All **community members** are subject to all local, municipal, provincial, and federal laws. In cases where the College is aware of the potential violation of criminal law, the College may refer the incident to the appropriate law enforcement agency.

#### Other Applicable Policy & Procedures Documents

In addition to the Code, there are a number of academic program, departmental and institutional codes, policies, and regulations that may apply and which may be administered by the **Academic School** or area where the policy originates. These procedures and documents include but are not limited to **professional suitability and standards** policies, academic regulations (including academic placement and workplace regulations), health and safety policies, human rights procedures (in addition to codes and policies which strive to protect and enhance the safety and security of a specific group of **community members**). For a list of related and applicable policies, please see the Related Procedures section of the Code.

#### Multiple Proceedings

In some instances the actions of a **student** may intersect or violate more than one institutional code or policy. Where multiple internal codes or policies apply, those responsible for initiating the processes will confer to determine which process should be applied, which takes precedence and whether engaging multiple procedures 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 Code may be carried out prior to, simultaneously with, or following criminal arrest or civil/criminal proceedings at the discretion of the Office of Student Conduct in consultation with the Department of Public Safety. The outcome of any criminal or civil proceeding is not determinative of the outcome of the student's accountability under the Code.

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

#### Interim Measures

Should the Office of Student Conduct, in conjunction with the Department of Public Safety, deem student conduct to pose an immediate, ongoing or possible risk to a **community member**, an official from these areas, acting within the scope of their position, may impose interim measures. Interim measures are taken in an effort to protect the safety and wellbeing of **community members**, including the **respondent**, and can include a ban from campus property, removal from on-campus housing, 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 hearing has been completed. The introduction of interim measures does not imply a finding of "responsible".

#### **Definitions:**

**Academic School:** any of the formalized academic units or business units of the College that provide courses or programs in which students enrol.

**Advisor:** an employee of the College made available to guide the student through the Code or appeal process if desired. This person may not speak on behalf of the student.

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

**Appellant:** the student who has been accused and who is initiating the appeal of the initial decision.

**Balance of Probabilities:** the standard 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.

**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, administration, contracted service providers and guests.



**Complainant:** the person initiating the complaint, where applicable.

**Cumulative:** consideration of past incidents to determine the total magnitude of the current circumstance.

**De-registration:** removal from one or more courses.

**Discrimination:** differential treatment based on one of the seventeen (17) grounds outlined in the *Ontario Human Rights Code* including: race, ancestry, place of origin, colour, ethnic origin, citizenship, Creed (religion), record of offences, sex, sexual orientation, disability, age, marital status, family status, gender identity, gender expression, or receipt of public assistance.

**Expulsion:** termination from the College for up to a five (5) year period.

**Formal Process:** a way of proceeding that has been agreed to as an institutional standard.

**Harassment:** Harassment is defined by the *Ontario Human Rights Code* as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. The College interprets this to include any behaviour that is known or ought reasonably to be known to the perpetrator to be offensive, embarrassing or humiliating to other individuals. Such conduct may include visual representations, electronic messages, written messages, verbal and/or physical conduct, and may relate to any of the grounds of discrimination prohibited by the *Ontario Human Rights Code* or other malicious grounds.

**Hearing Officer:** the Dean of Students; the Guelph-Humber Registrar or their respective 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).

**In Camera:** with only members of the appeal panel present.

**Indecent Conduct:** behaviour that a reasonable person would consider offensive/unbecoming.

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

**Interim Measures:** a decision, often involving immediate removal of a community member, that is employed to protect the community while a full investigation can take place.

**Investigating Officer:** a representative of the Office of Student Conduct responsible for gathering information related to an allegation against a student.

**Investigative Process:** the agreed upon steps that will take place in investigating an allegation against a student.

**Mitigate:** make less severe.

**Natural Justice:** the process whereby an individual accused of something is given fair consideration.



***Onus of Proof:*** the responsibility to provide information that will alter a decision.

***Procedural Error:*** a flaw in the process of investigating or considering an allegation.

***Procedural Fairness:*** the process that ensures that an individual who is alleged to be in violation of the Code is given fair consideration in the determination of responsibility.

***Professional Suitability and Standards:*** a document relating to a School or career that explains the characteristics required of an individual that would allow them to participate in that School or career.

***Prohibited Conduct:*** conduct which the institution 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.

***Punitive Measures:*** sanctions that are primarily intended to serve as a penalty.

***Representative:*** an individual chosen by the student to help present his or her case. This may be in the form of an advocate or legal counsel. Students are still expected to speak on their own behalf. Representatives are permitted only during the appeal process.

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

***Sanction:*** an outcome of a determination that a student is responsible for an offense.

***Senior Administration:*** a member of the Humber executive team or the Vice-Provost/Assistant Vice-Provost for Guelph-Humber.

***Student:*** an individual assigned a student identification number, prospective or confirmed, taking part-time or full-time courses, at either Humber College or the University of Guelph-Humber. This includes individuals who are not enrolled in the current semester, but have shown academic progress toward a credential and may be between periods/terms of actual enrollment. All other individuals will be treated as community members or visitors to the College.

***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 student, but may offer support and guidance to the student in the presentation of his or her case.

***Suspension:*** a sanction that can remove all academic and non-academic rights of a student for a period of time which is usually two years or less in length.

***Technology:*** information, equipment and services provided by Humber or other service providers, including, but not limited to the use of email, social media platforms, websites, learning platforms such as Blackboard and WebAdvisor, mobile devices, desktops/laptops, data/wireless/storage networks, printers/copiers, and audio/visual equipment.

***Unauthorized:*** without permission.



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

**Violation Notice:** a document that describes to a student their responsibility for a violation of the Code. It is normally delivered by Public Safety staff (Security) as an outcome, and implies acceptance of responsibility if not appealed.

**Visitor:** any invited guest who is not an official community member.

## **Policy:**

### **1. Rights and Responsibilities of Community Members**

#### **1.1 Our Community Rights & Responsibility**

All **community members** have a responsibility to conduct themselves in a manner that is consistent with the core values embraced by the College community and reflected in its various codes and policies.

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

All **community members** have a responsibility to utilize informal resolution pathways when possible. Where this expectation is violated or not possible, a **community member** has the right to engage a **formal process**.

All **community members** have a right to make a complaint against a **student** who violates their right to a safe and welcoming educational environment.

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

All **community members** have a right to feel safe to make a complaint under the Code without fear of reprisal.

All **community members** have a responsibility to report incidents of student conduct when there may be a risk of harm, a possible violation of the Code or an impact to the dignity of any **community member**. **Community members** may inform any staff or faculty member of an incident, and they in turn will provide the information to their respective Associate Dean, the Department of Public Safety, the Office of Student Conduct or The Centre for Human Rights, Equity and Diversity, as appropriate.

All **community members** have a right to be protected under the *Ontario Human Rights Code* as well as the *Canadian Charter of Rights and Freedoms*. These rights are subject to limitations as described by law and some activities (rights) that are acceptable in a



public place may not be appropriate in certain contexts in an institution of higher education.

All **community members** have a right to have the Code as well as all other policies and regulations adhered to, in order to ensure a safe and positive learning environment.

All **students** have a right to **procedural fairness** in the investigation and determination of responsibility as it relates to the Code. 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 Section 5 of the Code.
3. The right to have an **advisor** and/or **support person** of their choice present at any stage of the process, if desired.

## 1.2 The Role & Responsibility of Campus Partners

### I. Department of Public Safety

The role of the Department of Public Safety is to proactively prepare for and actively address situations where institutional policies may be violated, and/or where any member of the community may be at risk. When the Department of Public Safety is informed or otherwise becomes aware of an incident, they will take all required immediate action, including **interim measures** and recommend an investigative process, if necessary. In addition, they may involve other departments as needed to fully address the community impact. The Director of Public Safety or designate may serve as a **Complainant** for incidents that present an immediate or ongoing risk to the community or to an individual **community member** in order to minimize the risk of harm.

To address minor incidents, Public Safety Officers (Security) may issue a written warning (**Violation Notice "VN"**) which will serve as the imposed **sanction**.

If made aware by formal authorities or shared by the respective **student**, the College will uphold any legal conditions or terms placed on a **community member** by law enforcement authorities.

### II. Office of Student Conduct

The Office of Student Conduct promotes the rights, well-being and safety of **community members**. Within the scope of the Code, the Office of Student Conduct is also responsible for the investigation and resolution of incidents that cannot be informally resolved, and which require more than an immediate written or verbal warning. Where possible, the goal of the investigation will be to determine an outcome that will serve as a learning/developmental opportunity for the student, and reinforce the core values of the College. **Punitive measures**, including **suspension** or **expulsion** may be taken, but are not the primary intention of the Code process, as set out in Section 4.



### III. Academic Schools

Faculty and staff will take reasonable steps to address **student** behaviour within an academic setting with the **student** or group of **students** involved. Where there is information to demonstrate the need for a more formal and documented follow-up, faculty and staff shall consult with their respective Program Co-ordinator/Head and/or Associate Dean. Ongoing student conduct and/or documented incidents that merit a direct intervention or formal process are listed within the Code as Prohibited Conduct, Section 2, and may be referred to the Office of Student Conduct for assistance in guiding the resolution process or directly to the Department of Public Safety for immediate action and further investigation.

Incidents of academic integrity will be referred to procedures outlined in the Academic Regulations, (Humber College) or the Academic Calendar (University of Guelph-Humber).

### IV. The University of Guelph-Humber

Guelph-Humber and Humber are committed to working collaboratively in the resolution of student conduct and/or concerns. Guelph-Humber **community members** have a responsibility to be aware of policies that guide student conduct as outlined within this document and the University of Guelph [Policy on Non-Academic Misconduct](#), in addition to the [Human Rights Policy](#). Humber's Office of Student Conduct maintains a working relationship with the University of Guelph-Humber Department of Student Services. Guelph-Humber **community members** are encouraged to consult with Guelph-Humber Student Services or the Humber Office of Student Conduct to discuss resolution pathways and/or student concerns.

### V. The Centre for Human Rights, Equity & Diversity

Humber is committed to providing a learning, working and living environment that is free from **discrimination** and **harassment**. The College has the right, as well as the legal and moral responsibility, to ensure that all **community members** are treated fairly, equitably, and respectfully. A function of The Centre for Human Rights, Equity & Diversity is to assist the institution in resolving complaints based on the seventeen (17) grounds of **discrimination**, and psychological harassment as outlined in Humber's Human Rights Policy, and the *Ontario Human Rights Code*. If a **student** indicates that they have witnessed, or may have experienced a Human Rights violation, the employee who is notified of the potential violation is required to inform The Centre for Human Rights, Equity & Diversity.

## 2. Prohibited Conduct

The purpose of the Code is to define the responsibility of all **students** to act in a manner that respects the rights, safety and wellbeing of others. Below is a list of **prohibited conduct**: behaviour that does not align with the values of the College community and as such violates the Code of Student Conduct. Based on a continuum of relative harm to or impact on the rights of others, the list of **prohibited conduct** is divided into four levels. This list should not be regarded as all-inclusive.

The Office of Student Conduct reserves the right to identify and analyze conduct that is contrary to the spirit of the Code and to categorize or re-categorize behaviour based on the nature of the incident, the severity of the conduct and the impact on others. For example, this includes incidents involving the use of **technology**, breaches of privacy, and behaviours



identified as a contravention of another institutional policy or code, such as the [Residence Code of Conduct](#).

### 2.1 Level 1

Incidents classified as Level 1 have a limited impact on the rights or academic experience of others, but may create a disturbance or impact the operation of the campus community. Such incidents include but are not limited to:

- a) Smoking, including the use of e-cigarettes, in **unauthorized** areas
- b) Failing to provide proper photo identification while on campus to an employee acting within the scope of their position (e.g.: Security, pub staff)
- c) Creating a disturbance in a public place such as unreasonable noise or non-threatening behaviour
- d) Failure to properly monitor the conduct of a **visitor**

### 2.2 Level 2

Incidents classified as Level 2 have a significant impact on the rights or academic experience of others, but may not pose a threat or danger to other individuals in the community. Such incidents include but are not limited to:

- a) Disruptive behaviour; defined as inciting someone to prevent or preventing others from carrying out their legitimate activities, in or out of an academic setting
- b) Disorderly or **indecent conduct**
- c) **Unauthorized** use of Humber facilities or equipment
- d) Use of Humber facilities or equipment for reasons other than intended or generally accepted
- e) Not complying with the directions of or providing false information to a Humber official, including Public Safety Officers (Security), acting in their capacity as an employee
- f) Failure to comply with a **sanction** imposed by the Code, other policy or regulation recognized by Humber
- g) Contravention of provincial liquor laws on campus
- h) Assisting or failing to reasonably respond/intervene to anyone engaged or committing prohibited conduct

### 2.3 Level 3

Incidents classified as Level 3 have a significant impact on the rights or academic experiences of others, and in addition pose a threat or danger to individuals in the community. Such incidents include but are not limited to:

- a) Stalking, bullying or coercion for any purpose
- b) Conduct which threatens the health and safety of anyone, including oneself
- c) Hazing – activities endangering or seeming to endanger the mental or physical health and safety of individuals for the purpose of initiation, admission into or affiliation with any campus club, group, team or organization
- d) Use, recording of or dissemination of information, including audio or visual images of an individual that is unwelcome and/or known or ought reasonably to be known to cause harm or distress



- e) Obtaining, accessing or disclosing personal or confidential information pertaining to a member of the community without that person's consent
- f) Making false allegations, engaging in a reprisal under the Code or otherwise engaging in vexatious conduct
- g) Repeated or severe disruptive behaviour in or out of an academic setting

#### 2.4 Level 4

Incidents classified as Level 4 pose a danger or threat to individuals, are in many cases illegal, and in most cases have already caused physical or psychological harm. Such incidents include but are not limited to:

- a) Sexual assault/violence as defined in the [Sexual Assault & Sexual Violence Policy](#)
- b) Assault, threats of harm or intimidation, inciting or facilitating acts of violence
- c) **Harassment** or **discrimination** against an individual or group based on any of the prohibited grounds: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex, sexual orientation, age, record of offenses (in employment only), marital status, family status, disability, gender identity, gender expression, or receipt of public assistance (in accommodation only)
- d) Theft or damage to property belonging to the College
- e) Tampering with emergency facilities including fire equipment or alarms
- f) Intentionally creating hazardous conditions that put the community at risk
- g) Use, possession or distribution of illegal drugs, controlled substances, non-prescription drugs and/or prescription drugs not prescribed to the person in possession of these drugs
- h) Possession of firearms or other dangerous weapons or replicas or chemicals not expressly authorized by Humber or otherwise a part of an academic program
- i) Misuse of or possession of dangerous objects and substances without express written permission by the Department of Public Safety,
- j) Forgery, misuse, duplication or alteration of any document, record or Humber brand for the purpose of personal or academic gain within the College
- k) Misrepresentation associated with institutional processes or activities
- l) Entry into **unauthorized** areas
- m) Failure to comply with a law enforcement officer or to **sanctions** imposed by law related to Humber participation

### 3. The Code Process

All **community members** are welcome to meet with a representative of the Office of Student Conduct to confidentially learn more about the code process, without having to file a complaint, as long as the discussed incident or concern does not pose an imminent risk to self or others. The following steps outline the process used to bring about resolutions to complaints.

#### 3.1 Making a Complaint

A complaint/allegation is registered by any **community member** providing a report to the Office of Student Conduct regarding a **student**. The alleged behaviour must have taken place while the **Respondent** was a **student**.



If a determination is made that an investigation is required, an **Investigating Officer** is assigned to the complaint by the Office of Student Conduct. In order for an investigation to proceed, the **Complainant** is encouraged to submit a written statement outlining the specific details of the complaint.

Proper investigation of a complaint may require the disclosure of the identity of the **Complainant** to third parties, including witnesses.

A **student** complaint against another **student** will be considered based on all applicable institutional codes, policies and regulations including the Code.

### 3.2 Investigations

A fact-finding, information-gathering process will commence with all involved parties. After being informed of the alleged **prohibited conduct**, the **Respondent** will be asked to provide a written and/or verbal response to the **Investigating Officer**. Should an individual refuse to provide a statement or participate in an investigation, the investigation and outcome(s) 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 been attempted; lack of clarity about the nature of the complaint; concern for the safety, well-being, employment or academic status of the parties involved; criminal proceedings; or if the complaint appears to be unclear, unfounded, vexatious or made in bad faith.

### 3.3 Decision Making & Resolutions

At this stage the incident/concern may be resolved by the **Investigating Officer**, who will provide written notice of the outcome, including **sanctions** if applicable, to the **Respondent**.

**Sanctions** may be applied retroactively if **prohibited conduct** is discovered subsequent to the completion of a course, the requirement to withdraw or after graduation.

Issues not resolvable by the **Investigating Officer** or outcomes that do not involve those listed in Section 4.3 will be forwarded to a **Hearing Officer** for the purposes of conducting a formal hearing.

### 3.4 Hearings

Decisions involving possible outcomes listed in Section 4.4 entitle the student to a formal hearing. The **Respondent** will be permitted to bring an **advisor** and/or **support person** to the hearing. The **Respondent** will have received a summary document of all information to be presented at the hearing, no later than five (5) business days prior to the hearing. The **Investigating Officer** will present the case, as outlined in the summary document to the **Hearing Officer(s)**, in the presence of the **Respondent**. The **Respondent** will be provided the opportunity to respond to the allegations brought forward, to ask questions of the **Investigating Officer** and respond to questions from the **Hearing Officer(s)**.



The **Hearing Officer(s)** will make a written decision, including reasons, within ten (10) business days.

In the case of a Guelph-Humber **student**, the Guelph-Humber Registrar (or designate) will serve as an additional **Hearing Officer**.

#### 4. **Sanctions/Outcomes**

Decisions on whether a **student** has 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**.

Should a **student** be found responsible for engaging in **prohibited conduct** a number of factors (severity of behaviour, acceptance of responsibility, willingness to restore the relationship or situation, **mitigating** factors and **cumulative** or repeated behaviour) can contribute to the decision to impose one or multiple **sanctions**.

##### 4.1 **Sanctions imposed by any Staff or Faculty:**

- a) **Verbal Warning:** A member of staff or faculty may issue a verbal warning and may require a student to leave an area should their behaviour be disruptive.
- b) **Temporary Removal:** A member of staff or faculty may ask a **student** to leave (short-term) an area on campus following a verbal warning in order to address the immediate situation.
- c) **On Notice:** An administrative staff member, typically the Associate Dean/Program Head, may issue a written warning to a **student** outlining the need for corrective action regarding specific behaviour(s), the impact of such behaviour(s) and may identify necessary next steps to avoid further sanction under the Code.

##### 4.2 **Sanctions imposed by a member of the Department of Public Safety:**

- a) **Violation Notice ("VN"):** Public Safety Officers (Security) may issue a **VN** at the time of an incident. The **VN** will indicate that the **student** must contact the Office of Student Conduct within two (2) business days should they disagree with the content of the notice. Acceptance of the **VN** indicates that the **student** accepts responsibility and waives the right to an **appeal**. **Students** who choose to **appeal** a **VN** will have an **Investigating Officer** from the Office of Student Conduct assigned to the incident for review.

NOTE: The Department of Public Safety reserves the right to file a complaint with the Office of Student Conduct under the Code should a **student** receive two (2) or more **Violation Notices** during their time as a **student**.

- b) **Interim Measures:** As outlined on page 3, the Department of Public Safety, can deem student conduct to pose an immediate or ongoing risk to a **community member**, and may impose **interim measures** prior to the completion of an investigation under the Code process, as set out in Section 4.
- c) **Temporary Removal:** Public Safety Officers (Security) may ask a **community member** or **visitor** to leave campus for failing to provide proper identification while on College property and/or not complying with the directions of Security personnel.



4.3 **Sanctions imposed by an Investigating or Hearing Officer include:**

- a) **Written Warning:** An official letter indicating that a **student** has been found responsible for **prohibited conduct** while highlighting the need for awareness, caution or corrective action.
- b) **Apology:** In an effort to help restore the harm done, **students** may choose to apologize.
- c) **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.
- d) **Community Involvement:** Community service to the institution or to the larger community; engagement through co-curricular involvement.
- e) **Restitution:** Compensation (monetary or material replacement) for loss of or damage to property or services rendered.
- f) **Support Agreement:** A description of mutual agreed upon terms whereby the **student** chooses to engage, with set parameters, in the support services offered by the institution.
- g) **Behaviour Contract:** A description of the terms, signed by the student, that outline expectations that must be adhered to in order to participate in all or some activities normally considered to be rights of **community members**.
- h) **Loss of Privileges/Non-essential Services:** Privileges are those that if restricted may affect full participation in campus life but not make it impossible to complete academic requirements. For example, the ability to attend campus other than for scheduled classes, loss of recognition from an organized club, team or organization, suspension/removal from campus or co-curricular activities including varsity sports.
- i) **Restriction:** A ban or formal trespass notice from a specified area (residence, licensed facilities, athletic facilities) of campus or campus as a whole, or a no contact order between **community** members, for a designated period of time.
- j) **Removal from On-campus Housing:** As per the Residence Code of Conduct, a resident may have their housing agreement terminated. Conditions for readmission to residence may also be specified.
- k) **Performance Review:** A recommendation to the Human Resources Department to review a **student** employee's contract based on the intersection and impact of the **prohibited conduct** with the nature of the student's employment.
- l) **Conduct Probation:** An indefinite period of time where the student is given the opportunity to modify unacceptable behavior, to complete specific assignments, and to demonstrate a positive contribution to the community in an effort to regain **student** privileges within the institutional community. After two (2) consecutive terms from being placed on Conduct Probation, the **student** may apply for a review of the probationary status to the Office of Student Conduct. The student will meet with an **Investigating Officer** from the Office of Student Conduct and demonstrate significant contributions, both of an academic and co-curricular nature, to the institutional community. The **Investigating Officer** will determine if the **student's** status will be lifted within ten (10) business days of the meeting. The decision of the **Investigating Officer** is final and not subject to appeal.
- m) Any other sanction deemed appropriate in the circumstances, excluding those set out at Section 3.4.

4.4 **Sanctions imposed by the Dean of Students or a designate:**

The following sanctions may only be administered with the approval of the Dean of Students or a member of the **senior administration**.



- a) Single/multiple course **de-registration** including partial or total loss of marks and tuition fees for the course(s)
- b) Forfeiture of awards or Humber-funded scholarships or bursaries
- c) **Suspension** from the institution for a period of up to two (2) years from the date of incident. The student will not be permitted to register and will retain none of the privileges accorded to students. **Suspensions** may result in a notation on a student's academic record and transcript. This notation will be expunged from the student's record and transcript upon graduation or following the suspension period.
- d) **Expulsion** from the institution for a period of up to five (5) years. The record of **expulsion** is permanent, unless a **student** makes a request to the Office of the Registrar to have the record expunged from their academic record no sooner than five (5) years after the date of the expulsion
- e) Rescinding a credential following graduation, or after having a credential conferred
- f) Any other **sanction** or penalty deemed appropriate in the circumstances

**NOTE:** **Students** who have been expelled or suspended will not receive credit for any studies undertaken at Humber during the semester that the **suspension** or **expulsion** was assigned. A **student** who wishes to be considered for readmission after this period of time must make an application to the Office of the Registrar for readmission that will be evaluated on the basis of eligibility to continue. A **student** who is suspended and also fails to meet the continuation of study requirements (promotion and progression), as outlined in the Academic Regulations/Calendar, may be able to serve the associated penalties consecutively.

Outcomes listed above will be subject to and in accordance with the University of Guelph's Policy on Non-Academic Misconduct, in conjunction with the Academic Calendar for all Guelph-Humber students and as such may vary or not be applicable. All sanctions in this section will be administered in conjunction with a Hearing Officer representing the University of Guelph-Humber for Guelph-Humber students.

## 5 Requesting an Appeal

To request an appeal, a **student** must complete the [Non-Academic Appeal Form](#) found online within ten (10) business days of receipt of the written decision of an **Investigating** or **Hearing Officer**. A right of appeal is available where at least one of the following conditions/grounds is met:

1. There is new information that is likely to change the outcome
2. There is evidence of **procedural error** or bias in the process
3. The **sanction** imposed is not consistent with the nature of the offense

When requesting an appeal, a **student** must submit the Non-Academic Appeal 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
5. The names of the **student's advisor**, **support person**, or **representative**, if applicable



#### 5.1 For decisions of an **Investigating Officer**:

A designated **Hearing Officer** will be assigned to the appeal request to determine if the request for an appeal is granted. If an **appeal** request is granted, the **Hearing Officer** will conduct a formal review of the appeal submission within five (5) business days and either overturn, amend or uphold the original decision of the **Investigating Officer**. The decision of the **Hearing Officer**, serving in this capacity, is final and the **student** will have exhausted all available means of review at Humber.

#### 5.2 For decisions of a **Hearing Officer**:

The College Registrar or designate will determine if the request for an appeal is accepted and confirm the decision in writing within five (5) business days after receipt of the written appeal request. Appeals will be granted if, in the opinion of the College Registrar or designate, the request meets at least one of the above criteria, and if on the **balance of probabilities** there is sufficient reason to question the initial decision.

If an appeal request is granted, a hearing will be convened within ten (10) business days of the decision to grant an appeal. The **Appellant** and all other parties involved will be informed that the right of **appeal** has been granted by way of a written Notice of Appeal. Notice will include the date, time and location of the appeal hearing, along with the names of the appeal panel members and the appeal submission provided by the **student**.

All witnesses must be identified to the Chair of the Code Appeals Committee at least five (5) days in advance of the appeal hearing, and both the **Appellant** and **Hearing Officer** must be notified of the participation of any witnesses in advance of the hearing. The **Appellant** and/or **Hearing Officer** are responsible to ensure the availability of witnesses for the scheduled date, time and location of the appeal hearing.

A minimum of five (5) business days prior to the appeal hearing, a written response by the **Hearing Officer** indicating the rationale for the decision; a list of witnesses, if applicable; the original summary document and any other information or materials that will be presented during the appeal hearing such as video images, photographs or physical evidence will be submitted to the **Appellant**.

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

Filing or receiving an appeal does not stay (postpone) the decision under appeal. If the Department of Public Safety deems a student a risk to self or others, the student will not be permitted on campus, with the exception of the appeal hearing, until the process is completed. Where possible, the **student** may resume regular or modified participation in their academic pursuits.

### 6 The **Appeal Process**

The process outlined below applies to appeals of the decision made by a **Hearing Officer**. These **appeals** are conducted under the jurisdiction of the Code Appeals Committee, a trained group of **community members**, appointed by the Vice-President, Student and Community Engagement.



The **student** has the right to legal representation throughout the various stages of the appeal procedure. Regardless of the outcome of any appeal hearing, any costs incurred by the student as a result of being represented are the sole responsibility of the **student**. In the event that the student retains legal representation, the College has the option to do the same, at its own expense. At this time, the **advisor** role will cease.

#### 6.1 Composition of Committee & Appeal Panel

A standing group of trained **community members** will serve on the Code Appeals Committee. To hear an appeal, an appeal panel will be convened and will consist of a total of five (5) members, composed of one to two members from the following group memberships:

1. Deans/Program Heads or designates of an **Academic School**, one of whom will serve as chair
2. Staff or faculty members
3. Students representing or identified by the Humber Students' Federation and/or Guelph-Humber Student Association

No appeal panel member will be a member of the **academic school** where the **Appellant** is enrolled. In the case of a Guelph-Humber **student**, the membership of the appeal panel will consist of, at minimum, two members of the Guelph-Humber community as identified by the Vice Provost.

A committee member who has a perception of bias or a pre-existing bias is expected to remove him or herself from the panel and will be replaced by a member of the standing committee. The **Appellant** may also declare a conflict of interest with a committee member by informing the Chair of the Code of Appeal Committee, providing reasons and requesting a new member.

Those present at the appeal hearing are:

- a. the **student** (Appellant)
- b. an **advisor** and/or **support person** and/or **representative** if chosen by the **student** (Appellant)
- c. identified witnesses to the **Appellant** and **Hearing Officer**
- d. the members of the appeal panel
- e. any other person deemed to be appropriate as per the Chair of the Code Appeals Committee

#### 6.2 The Appeal Hearing

- a) The **student** (**Appellant**) bears the **onus of proof**, and a decision will be rendered based on a **balance of probabilities**. The **student** is entitled to **procedural fairness** that contains the following components:
  - i. The **student** must know the allegations against her/him, including the information that led to the initial decision
  - ii. The **student** must be given an opportunity to correct or contradict any information or assertions made in support of the initial decision
  - iii. The panel must make its decision without bias or reasonable apprehension of bias.



- b) The **Appellant** or **representative** will present the **Appellant's** case, and call any witnesses that he/she has identified.
- c) **The Hearing Officer** will then present the information used to make the original decision, and call any witnesses that he/she has identified.

Note: Witnesses called by either the **Appellant** or the **Hearing Officer** shall be invited individually to present their information and will be dismissed by the Chair of the Code Appeals Committee once they have been questioned by the other party to the appeal, and by the appeal panel. Witnesses may be asked to return to answer any further questions of the panel.

- d) Once the formal presentations are complete, the **Appellant** or **representative** may direct questions to the **Hearing Officer** and any witnesses through the Chair, and the **Hearing Officer** may ask further questions to the **Appellant** and of his/her witnesses.
- e) The appeal panel may ask questions of all parties and witnesses and may require the production of any additional written or documentary information..
- f) The Chair of the Code Appeals Committee may give directions throughout the appeal hearing for the purpose of maintaining order, including asking anyone in attendance to leave the hearing if any behaviour is deemed by the Chair of the Code Appeals Committee to impede the process. Information presented at the hearing must relate to or bear directly upon the outcome.
- g) Any procedural issue that arises in the course of a hearing, including issues respecting adjournments and the terms of such adjournments, will be considered by the panel, but the decision of the Chair of the Code Appeals Committee is final with respect to any such procedural issues.
- h) The appeal panel shall deliberate *in camera* and shall reach a decision by majority vote. The panel may grant any remedy it sees fit, including upholding the decision and outcome; imposing a lesser outcome; or granting the resolution requested by the **student**. No monetary awards can be issued by the appeal panel.
- i) The appeal panel has the power to reserve its decision for further consideration and will render a decision within ten (10) business days of the appeal hearing.
- j) The decision of the appeal panel, including written reasons, shall be in writing and signed by the Chair of the Code Appeals Committee.
- k) Copies of the decision, along with its reasons shall be sent to the **student (Appellant)** and the **Hearing Officer**.

#### 7 Delays & Time Limits

Time limits outlined in the Code may be extended by the mutual consent of the **student** and Humber's Office of Student Conduct or University of Guelph-Humber Department of Student Services, at the appropriate step, or by the Chair of the Code Appeals Committee. If it is



satisfied, neither the student's nor Humber's Office of Student Conduct's position has been substantially prejudiced by the delay. The failure to meet a time limit prescribed by the Code does not render any sanctions assigned via the Code process void. Humber's Office of Student Conduct or the Chair of the Code Appeals Committee may consider a failure to meet prescribed timelines in considering an appropriate outcome.

8 Accommodations

Students may request accommodation in regard to an investigative process, a hearing, appeal hearing or probation review meeting as outlined within the Code by contacting the Office of Student Conduct. Accommodations will be provided in accordance with the *Ontario Human Rights Code* and the *Accessibility for Ontarians with Disabilities Act* (AODA).

9 Record Keeping

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

A record of the case files and final decisions, including appeals, made under the Code will remain in the Office of Student Conduct, separate from a **student's** academic file, for a period of up to three (3) years with the exception of records of sanctions, listed in Section 3.4. The student conduct file of an expelled **student** shall be retained indefinitely.

All files are deemed confidential and are subject to the *Freedom of Information and Protection of Privacy Act* ("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 hearing process
- a clearance 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

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

10 Recording

Should a request be made and all parties agree, a hearing or an appeal hearing may be recorded. This is not common practice. Upon written request, a **Respondent** may review the audio recording and make appropriate arrangements for it to be transcribed on College property. Arrangements for a transcriber and all associated costs involved in the transcription will be the responsibility of the requesting individual.

11 Reporting

Humber's Office of Student Conduct shall report annually to the Dean of Students Office summarizing the number of incidents and **students** involved, including the categories of **prohibited conduct**, the range of outcomes 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 will be made publicly available.



## 12 Review Process

The Code of Student Conduct will be reviewed every three (3) years, or as requested by the Dean of Students or by the Code of Student Conduct Review Committee, consisting of faculty, staff and students, including representation from the Humber Students Federation and Guelph-Humber Student Association. An editorial review will be conducted annually. Final approval of the Code will be made by the Executive Team.

Interpretations, comments and specific suggestions for amendments or additions to the code may be referred to Humber's Office of Student Conduct.

## **References:**

[Accessibility for Ontarians with Disabilities Act](#)

[Canadian Charter of Rights and Freedoms](#)

[Human Rights Code \(Ontario\)](#)

[Freedom of Information and Protection of Privacy Act](#)

[University of Guelph, Academic Calendar](#)

[University of Guelph, Anti-Hazing Policy](#)

[University of Guelph, Athlete Code of Conduct](#)

[University of Guelph, Human Rights Policy](#)

[University of Guelph, Policy on Non-Academic Misconduct](#)

[University of Guelph, Sexual Assault Protocol](#)

## **Related Policies:**

[Academic Regulations](#)

[Acceptable Use Policy](#)

[Gender Diversity Policy](#)

[Human Rights Policy](#)

[Humber College Code of Ethics](#)

[Out of Province Travel Policy](#)

[Residence Code of Conduct](#)

[Sexual Assault and Sexual Violence Policy](#)

## **Related Procedure(s):**

[Sexual Assault & Sexual Violence Procedure](#)

[Student Support & Intervention Procedure](#)