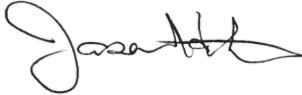


<b>Policy #</b>	SSE 103
<b>Approved by:</b>	Jason Hunter
<b>Approval Date:</b>	July 20, 2021
<b>Policy Holder Signature:</b>	
<b>Policy Holder:</b>	Vice President, Students and Institutional Planning
<b>Administrative Contact:</b>	Dean of Students
<b>Replaces Policy Dated:</b>	September 8, 2015
<b>Review Date:</b>	5 Year from Approval Date

## **Code of Student Community Standards Policy**

### **Purpose:**

The purpose of the Code of Student Community Standards (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 well-being 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 caring, respectful, safe and welcoming environment. The intent of the Code is to provide a framework to resolve issues when respect for the rights of others break down and informal resolution is not possible. By enrolling, students accept and acknowledge their rights and responsibilities within this policy document.

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 all students (as defined herein) in relation to non-academic student conduct where activities or actions are a component of the relationship between the student and the College, including members of the College community such as College faculty, staff, other students and community members at large. This relationship begins at the time of admission 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 or regulation, rather it sets out the College’s expectation that students who enjoy the privilege of

enrollment at Humber are expected and required to act with a higher level of responsibility in order to preserve a safe, respectful and inclusive learning and working environment.

As per the College's policy statement on the freedom of expression, members of the College community are free to criticize and contest the views of others. The rights of others to express or hear ideas must be respected and all members of the College community share responsibility for maintaining a climate of mutual respect and civility. It is not the role of the College, nor this Code, to shield members of the College community from ideas and opinions that they may find disagreeable or offensive. The College will not limit the rights of freedom of expression provided by law.

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 Colleges' 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 local laws of the jurisdiction, in addition to respecting the customs of the host country. The College will work with other academic institutions where students are cross-registered to facilitate the application of this policy and procedures.

In conjunction with the Acceptable Use Policy for Technical Services, the use of technology, including personal communications and online content, 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 Faculties or department responsible for that individual, with the involvement of the Department of Human Resources and Organizational Effectiveness, as necessary, and will be addressed according to applicable policies and procedures, rules, guidelines and/or collective agreements of the College.

All community members including students 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 Faculties 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 Community Standards 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 Community Standards, in conjunction with the Department of Public Safety, deem student conduct to pose an immediate, ongoing or possible risk to a community member or the College, 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/or well-being of community members, including the respondent, and can include a ban from campus property, removal from on-campus housing, a registration hold on a student's account and/or other necessary restrictions prior to the completion of an investigation, including participation in a threat assessment interview. Interim measures are preliminary in nature and are generally in effect only until an investigation or hearing has been completed. The implementation of interim measures does not imply a finding of "responsible".

Students affected by interim measures may request, in writing, a review of the interim measures at the following times:

- a) where there has been a change in the status of court conditions or criminal charges;
- b) following completion of a College approved violence risk assessment completed internally or externally;
- c) when the student has additional or new information relevant to the decision to impose interim measures; or
- d) when the student, as a result of being on interim measures, risks losing their academic year.

Reviews will be completed by the Co-Chairs of the Student Support & Intervention Team. A student requesting a review must submit a written request for review and include, at minimum, the following information:

- the interim measure to be reviewed
- the alleged policy violation
- the impact of the interim measure on the student; and
- the reason, from the list above, for the review

The Co-Chairs of the Student Support & Intervention Team will review all information provided by the student and any other information deemed relevant from internal or external sources and will provide a decision in writing, with reasons, as soon as reasonably possible or within ten (10) business days.

### **Definitions:**

Advisor: a trained student or employee of the College made available to guide students 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% 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.

Discrimination: differential treatment based on one of the 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. The foregoing shall be read to include any updates or additions to the *Human Rights Code*.

Expulsion: termination from the College whereby a student will be denied any further registration in any course/program. Expulsion shall be permanently noted on a student's academic record

and official transcript as “Expelled from Humber College ITAL for non-academic misconduct, [date]”.

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

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

**Harassment:** a course of vexatious comments or conduct that is known or ought reasonably to be known to be unwelcome and defined by *Ontario Human Rights Code*. 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, Faculty Deans, the Guelph-Humber Registrar; or any of their respective designates, are 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).

**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 temporary removal of a community member, which is implemented to protect the College community.

**Investigating Officer:** an internal representative of the Office of Student Community Standards or an external third party investigator 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.

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

**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 a Faculty.

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

*Representative:* an individual chosen by the student to help present their 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 a community member or visitor 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 a student. The support person may not speak on behalf of the student, but may offer support and guidance to the student in the presentation of their 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 (2) years or less in length.

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

*Vexatious Complaint:* a complaint that 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 the Department of 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 to do so. 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 or retaliation.

All community members are encouraged to call a College official and/or medical professional for assistance for themselves or for community members who are dangerously under the influence of drugs or alcohol or affected by violence. No student seeking medical treatment for themselves or others for the above will be subject to discipline. Support and harm reduction strategies will be provided to the student(s).

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 Community Standards 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 reasons; a rationale for any decisions made under this policy.
3. The right to appeal based on the conditions explained in Section 5 of the Code.
4. 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 (Security)

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 by overseeing the threat assessment processes. When the Department of Public Safety is informed or otherwise becomes aware of an incident, they will take appropriate immediate action, including interim measures and recommend an investigative process, if necessary. The Department of Public Safety may also 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. 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 Guards (Security) may issue a written warning (Violation Notice “VN”) which will serve as the imposed sanction. The VN will indicate that the student must contact the Office of Student Community Standards 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 Community Standards assigned to the incident for review. The Department of Public Safety reserves the right to file a complaint with the Office of Student Community Standards under the Code should a student receive two or more Violation Notices during their time as a student.

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 Community Standards

The Office of Student Community Standards promotes the rights, well-being and safety of community members. Within the scope of the Code, the Office of Student Community Standards 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. The Student Support & Intervention Team

The Student Support and Intervention Team (SSIT) is a multidisciplinary team that addresses student behaviour concerns through assessment, engagement and outreach to maintain a safe and supportive environment for the Humber community. Their goal is to provide proactive support, where possible, to students demonstrating concerning behaviours, and to streamline institutional responses to complex behavioural concerns. The Student Support and Intervention Team shares responsibility for supporting student success and campus safety through collaborative decision-making. The team accepts referrals from faculty, staff, students and community members. In some cases the team assists students in coordinating a voluntary withdrawal from Humber College. The team also renders involuntary withdrawal decisions and designates return to study protocols and/or conditions. The Co-Chair(s) of the SSIT may make referrals to the Office of Student Community Standards and as such serve as a **Complainant** for incidents or matters that require investigation and/or formal resolution.

### IV. Academic Faculties

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 will consult with their respective Program Coordinator/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 Community Standards for assistance in guiding the resolution process or directly to the Department of Public Safety for immediate action and further investigation.

Faculty and staff may take the following steps to address classroom behaviours without involving the Office of Student Community Standards or the formal Code process;

- a) Verbal Warning: 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: 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 engaging the formal Code process.

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

### V. 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. The Office of Student Community Standards 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 Community Standards to discuss resolution pathways and/or student concerns.

#### VI. The Centre for Human Rights, Equity & Inclusion

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 & Inclusion 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 by another student, they are encouraged to engage the Office of Student Community Standards. If the student has experienced a Human Rights violation by an employee, they are encouraged to engage the Centre for Human Rights, Equity & Inclusion.

#### VII. The Dispute Resolution Clinic

IGNITE Students Union, in partnership with the College, offers guidance and conflict coaching for students. Representatives from the College's Alternative Dispute Resolution postgraduate program are available to listen and assist in resolving peer-to-peer based conflicts, and serve as an Advisor to the Code or academic appeal processes.

#### VIII. Human Resources and Organizational Effectiveness

The role of Human Resources and Organizational Effectiveness (HROE) is to provide support and guidance to employees, including student employees, on matters related to employment and/or workplace accommodation. HROE may be consulted in cases where the complainant and/or respondent is an employee and the alleged behaviour(s) has an impact on the workplace.

## 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 well-being 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 Community Standards. 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 is not intended to be exhaustive or exclusive.

### 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 tobacco, cannabis or other substance including the use of all types of e-cigarettes, vaping or any other device used to emulate the act of smoking
- b) Creating a disturbance in a public place such as unreasonable noise or non-threatening behaviour
- c) Failure to properly monitor the conduct of a visitor
- d) Use or possession of illegal drugs, controlled substances, and/or prescription drugs not prescribed to the person in possession of these drugs

## 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 entry, use or use for reasons other than intended or generally accepted, of Humber facilities or equipment
- d) Theft or damage to property belonging to the College
- e) Not complying with the directions of or providing false information to a Humber official (e.g. during a critical/emergency incident, when a witness to an incident), including Public Safety Guards (Security), acting in their capacity as an employee
- f) Assisting or failing to reasonably respond/intervene to anyone engaged or committing prohibited conduct
- g) Failure to comply with a sanction imposed by the Code, other policy or regulation recognized by Humber
- h) Misrepresentation associated with institutional processes or activities
- i) Contravention of The Liquor License Act of Ontario or The Cannabis Control Act (Ontario)

## 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) Speech, or expression which constitutes harassment, a threat or hate speech
- b) Conduct, including bullying or coercion, 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) Unauthorized use, recording of or dissemination of information, including audio, visual or digital content or 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 significant disruptive behaviour causing hardship to institutional resources, 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 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) Tampering with emergency facilities including life safety, fire equipment or alarms
- e) Intentionally creating hazardous conditions that put the community at risk
- f) Possession with intent to distribute and/or distribution of illegal drugs, controlled substances, non-prescription drugs, and/or prescription drugs not prescribed to the person in possession of these drugs
- g) Possession of firearms or other dangerous weapons or replicas or chemicals not expressly authorized by Humber or otherwise a part of an academic program
- h) Misuse of or possession of dangerous objects and substances without express written permission by the Department of Public Safety
- i) Forgery, misuse, duplication or alteration of any document, record or Humber brand for the purpose of personal, monetary or academic gain within the College
- j) Failure to comply with a law enforcement officer or to sanctions imposed by law related to Humber participation

### 3. Process for Addressing Complaints and Violations

All complaints and potential violations of the Code shall be administered in accordance with the Code of Student Community Standards Investigation, Adjudication, Sanction, and Appeal Procedure.

#### **Related Procedure:**

Code of Student Community Standards Investigation, Adjudication, Sanction and Appeal Procedure