

<b>ALGONQUIN COLLEGE DIRECTIVE</b>	<b>NO. OF PAGES</b> 14	<b>DIRECTIVE NO.</b> E27
	<b>ORIGINATOR</b> Student Services	
	<b>APPROVED BY</b> President's Executive Committee	
<b>TITLE</b> <b>STUDENT CONDUCT</b>	<b>EFFECTIVE DATE</b> 2009.11.25	<b>REPLACES</b> 2009.06.24

### **PREAMBLE**

Algonquin College is an educational institution which strives to meet the needs and to respect the rights of individual students. In so doing, the College recognizes its responsibility to provide an appropriate learning environment for the total student body. Toward this end, it supports the principle that all members of the College community must be free to study or work without undue interference.

In pursuit of this goal, the College shall treat students as adults who are capable of, and responsible for, conducting themselves in a manner which respects the rights of others and of the College. The College wishes to assure its students that it does not intend to take away rights, but intends merely to control actions that go beyond the exercise of such rights.

### **DEFINITIONS**

1. The term "Student Conduct Review Board" means a three member committee having the mandate to determine whether a student has violated the Student Conduct–Directive and to impose sanction(s) when a violation(s) has been committed. In September of each year, the President's Executive Committee will establish Student Conduct Review Boards at the Woodroffe, Pembroke and Perth Campuses to be composed of the following persons:

- One Executive Dean or Dean, as Chair,
- The Director, Student Support Services, or alternate, and
- One student, preferably at the senior level, appointed by the Students' Association.

2. The term "Student" includes all persons taking courses at the College, either full-time or part-time, and includes persons who have been notified of their acceptance for admission.
3. The term "Complainant" means any person who submits a charge alleging that a student violated this Student Conduct Directive.
4. The term "Accused Student" means any student accused of violating the Student Conduct Directive.

### **JURISDICTION**

This directive shall apply to conduct that adversely affects the College community and/or pursuit of its objectives which occurs on any and all properties owned or leased by the College, as well as to any location where a student is attending or participating in any College related activity. Examples of such coverage include, but are not limited to, field placements, co-operative education work terms, clinical and field placements, College teams traveling to events off-campus, student government association engaging in a club event or activity off campus, off-campus internships, and community service.

### **POLICY**

Students who behave in a manner which is disruptive to the learning process, or which otherwise interferes with the well-being of other students or staff, or which causes damage to College property, will be subject to disciplinary action up to and including suspension or expulsion from the College. These behaviours include those which are defined in Directives A8 - Harassment and Discrimination, and A5 - No Smoking and further include, but are not limited to:

1. Furnishing with intent, false information to any College official, faculty member or officer.
2. Disruption or obstruction of teaching or learning activities, including those College directed functions on- or off-campus.
3. Physical abuse, verbal abuse, threats, intimidation, harassment, and/or other conduct as a result of which members of the College community feel threatened or endangered.
4. Attempted or actual theft or damage related to the property of the College or property of a member of the College community.

5. Any act which endangers the mental or physical health, safety, or the rights of a student or staff of the College, or of clients served by the students during their field work, clinical experience or co-operative education work term.
6. Failure to comply with directions of College officials or agents or law enforcement officers acting in the performance of their duties and/or failure to identify one's self to these persons when requested to do so.
7. The carrying or possession of explosives, weapons, or dangerous chemicals on College premises (except where required for academic purposes).
8. Conduct which is disorderly, lewd or indecent. Disorderly conduct includes, but is not limited to, any unauthorized use of electronic or other devices to make an audio or video record of any person while on College premises without his or her prior knowledge, or without his or her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or rest room.
9. Breach of peace on College premises or at functions sponsored by the College or Students' Association.
10. Counselling, prompting, or otherwise aiding others in unacceptable acts.
11. Forgery of document, permit or instrument of identification, or tampering with official records.
12. Possession of, or trafficking in, a controlled substance as defined in the Controlled Drugs and Substances Act.
13. Contravention of provincial liquor laws or the policies of the College governing the possession, distribution, and/or consumption of alcoholic beverages (Directive E42).
14. Being under the influence of either alcohol or a controlled substance to the degree that a student may injure himself or herself or others or property, or be a nuisance or annoyance or disturbance to others in the vicinity or in such a condition that he or she is incapable of taking care of himself or herself.
15. Breaching the College's No Smoking policy (Directive A5).
16. Theft or other abuse of computer facilities and resources, including but not limited to:
  - a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.

- b. Unauthorized transfer of a file.
- c. Use of another individual's identification and/or password.
- d. Use of computing facilities and resources to interfere with the work of another student, faculty member or College Official.
- e. Use of computing facilities and resources to send obscene or abusive messages.
- f. Use of computing facilities and resources to interfere with normal operation of the College computing system.
- g. Use of computing facilities and resources in violation of copyright laws.
- h. Any violation of the College Computer User Policy.

## **PROCEDURES, ROLES AND RESPONSIBILITIES**

### **Responsibility**

1. All College managers have the authority and responsibility to keep necessary order and to respond to acts of student misconduct in their area or when they are a witness to such events.
2. The official authority for carrying out formal College disciplinary hearings rests with the Student Conduct Review Board. This authority will be exercised in accordance with the procedures outlined in this directive and other related directives.
3. Disruption of instructional activities, including examinations, initially may be dealt with by the appropriate professor as a matter of classroom management. The professor may require the student to leave the area for the remainder of the particular class or examination. Any disruption in instructional activities that results in the removal of a student shall be reported to the Program Chair for which the student is enrolled and, where appropriate, to the Executive Dean of the Faculty or the Dean of the School. If the disruption persists and/or if it is deemed to be serious in nature, the incident will ordinarily be reported immediately to Safety & Security Services, the Executive Dean of the Faculty or the Dean of the School, and the Director, Student Support Services.

### **Violation of Law**

4. In cases where a student may be subject to civil or criminal proceedings, the College may institute disciplinary proceedings without regard to the foregoing, and will not be subject to challenge. Proceedings under this Directive may be carried out

prior to, simultaneously with, or following civil or criminal proceedings.

## **Procedures**

### **5. Charges**

- 5.1 Any member of the College community may submit a written report of an incident giving rise to a charge of student misconduct using the Student Conduct Report form (Appendix 2) to the Director, Student Support Services who will forward it to the Chair of the Student Conduct Review Board.
- 5.2 Incidents are to be reported as soon as possible after they have taken place. A copy of all written complaints and charges of misconduct shall be given to the student or students involved.
- 5.3 Mediation is encouraged as an alternative means to resolve disciplinary cases. The Director, Student Support Services, where appropriate, shall inform complainants and accused students in writing about the availability of mediation resources. Should the complainant(s) and the accused student(s) participate in mediation and agree to a resolution which is acceptable to the Director, Student Support Services, the agreement shall be final and there shall be no subsequent proceedings.
- 5.4 It is recommended that a student who is subject to a Student Conduct Review Hearing seek the advice of the Ombudsperson at the earliest possible time in the process, for support and direction.
- 5.5 Students will be provided a copy of this directive with the written notification of the charge(s) so that they may be informed of the manner in which they will be allowed to present their case, as well as possible outcomes, should the findings of the hearing support the charge of misconduct.

### **6. Student Conduct Review Board Hearing**

- 6.1 Upon receipt of a Student Conduct Report, the Chair of the Student Conduct Review Board will schedule a preliminary hearing no fewer than five (5) and no more than ten (10) working days after the student has been notified in writing of the charge(s) of misconduct. Time limits for scheduling of hearings may be extended at the discretion of the Chair.
  - 6.1.1 At the preliminary hearing, the student will have an opportunity to accept responsibility for the charge(s), accept responsibility for the

charge(s) with an explanation, or decline responsibility for the charge(s).

- 6.1.2 If the student declines responsibility for the charge(s), a full hearing will be scheduled.
- 6.2 The Student Conduct Review Board will conduct hearings for student misconduct according to the following guidelines:
- 6.2.1 Student Conduct Review Hearings shall be conducted in private.
  - 6.2.2 If a member of Student Conduct Review Board who has participated in a hearing becomes unable, for any reason, to complete the hearing or to participate in the decision, the remaining member or members may complete the hearing and give a decision.
  - 6.2.3 The decision of a majority of the members of the Student Conduct Review Board, or their unanimous decision in the case of a two-member panel, is the Board's decision.
  - 6.2.4 The complainant, accused student and their advisors, if any, shall be allowed to attend the entire portion of the Student Conduct Review Hearing (excluding deliberations of the Board) at which information is received. Admission of any other person to the Student Conduct Review Hearing shall be at the discretion of the Student Conduct Review Board.
  - 6.2.5 In Student Conduct Review Hearings involving more than one accused student, the Chair, in his or her discretion, may permit the Student Conduct Review Hearing concerning each student to be conducted either separately or jointly.
  - 6.2.6 The complainant and the accused student have the right to be assisted by an advisor they choose, at their own expense. The complainant and/or the accused student is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or to participate directly in any Student Conduct Review Hearing. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Student Conduct Review Hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor.

- 6.2.7 The complainant, the accused student and the Student Conduct Review Board may arrange for witnesses to present pertinent information. The College will try to arrange the attendance of possible witnesses who are members of the College community, if reasonably possible, and who are identified by the complainant and/or accused student at least two (2) working days prior to the Student Conduct Review Hearing.
- 6.2.8 Witnesses will provide information and answer questions from the Student Conduct Review Board. Questions may be suggested by the accused student and/or complainant and directed to the Chair, rather than directly to each other or to the witness(es). This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment.
- 6.2.9 Pertinent records, exhibits, and written statements (including Student Impact Statements) may be accepted as information for consideration by a Student Conduct Review Board at the discretion of the Chair.
- 6.2.10 All procedural questions are subject to the final decision of the Chair of the Student Conduct Review Board.
- 6.2.11 After the portion of the Student Conduct Review Hearing concludes in which all pertinent information has been received, the Student Conduct Review Board shall determine by majority vote whether the accused student has violated any section of the Student Conduct Directive which the student is charged with violating. In each case in which it is determined that a violation has occurred, the sanction shall be determined and imposed by the Student Conduct Review Board.
- 6.2.12 The Student Conduct Review Board's determination shall be made on the basis of whether it is more likely than not that the accused student violated the Directive. Formal rules of process, procedure, and/or technical rules of evidence, such as those applied in criminal or civil court, are not used in Student Conduct Review proceedings.
- 6.2.13 The Chair will keep a record of the Student Conduct Review Hearing, excluding deliberations, which will be kept on file in the office of the Director, Student Support Services. It is not necessary to generate a transcript of the hearing, but summary notes of the

evidence presented should be recorded.

- 6.2.14 If an accused student does not appear before a Student Conduct Review Hearing despite having been notified of the date and time of the hearing, the information in support of the charges shall be presented and considered even if the accused student is not present.
- 6.2.15 Under exceptional circumstances, the Student Conduct Review Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Chair to be appropriate.
- 6.3 The Chair will inform the accused student(s), the complainant, the Registrar's Office and the Executive Dean of the Faculty or the Dean of the School, in writing, of the decision and any sanction(s) to be imposed within five working (5) days of the hearing being held. Such notice will include reference to the right to appeal.
- 6.4 Disciplinary action will reflect the severity of the misconduct and vary accordingly. More than one of the sanctions listed below may be imposed for any single violation.
- 6.5 The following disciplinary sanctions may be imposed upon a student found to have violated the Student Conduct Directive:
  - 6.5.1 Admonition and Warning - a notice to the student that the student is violating or has violated an institutional regulation or expected standards of behaviour.
  - 6.5.2 Probation - a written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation during the probationary period.
  - 6.5.3 Loss of Privileges - denial of specified privileges for a designated period of time.

- 6.5.4 Fines.
- 6.5.5 Restitution - compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacements.
- 6.5.6 Work assignments, service to the College, or other relevant assignments.
- 6.5.7 Residence Suspension - Separation of the student from the Residence for a definite period of time, after which the student is eligible to apply to return. Conditions for readmission must be specified.
- 6.5.8 Residence Expulsion - Permanent separation of the student from the residence.
- 6.5.9 College Suspension - separation of the student from the College for a definite period of time, after which the student is eligible to apply to return. Conditions for readmission and registration must be specified.
- 6.5.10 College Expulsion - permanent separation of the student from the College. The student's official record will read: Involuntary Withdrawal - Student Misconduct.
- 6.5.11 Withholding Credential - the College may withhold awarding a credential otherwise earned until the completion of the process set forth in this directive, including the completion of all sanctions imposed.
- 6.6 Other than College expulsion or withholding of a credential, disciplinary sanctions shall not be made part of the student's permanent academic record. A disciplinary sanction(s) is to be kept on the student's file in the Registrar's Office. Records will be held intact for one year following the student's last academic activity.
- 6.7 If the complainant or respondent disagrees with the disciplinary decision and/or sanctions imposed, an appeal can be made to the Discipline Appeal Committee.

## 7. Discipline Appeal Committee

- 7.1 In September of each year, the Vice President, Student Services, will establish a Discipline Appeal Committee.
- 7.2 The Discipline Appeal Committee shall be composed of the following persons:
- The Vice President, Student Services, or designate, who will act as Chair the Discipline Appeal Committee.
  - One College administrator.
  - One student, preferably at the senior level, appointed by the Students' Association, and who is not involved with the case.

The composition of the Discipline Appeal Committee may be altered at the discretion of the Chair of the Discipline Appeal Committee, in exceptional circumstances.

## 8. Appeal of a Student Conduct Review Board Decision

- 8.1 A student may appeal the decision or disciplinary sanctions imposed as a result of a disciplinary hearing to a Discipline Appeal Committee within seven (7) working days of receiving written notice of the sanctions to be imposed.
- 8.2 The request for such an appeal shall be in writing, addressed to the Vice President, Student Services, and contain the following:
- a. A brief description of the case;
  - b. The decision and disciplinary sanction(s) imposed by the Student Conduct Review Board;
  - c. A statement as to what precisely is being appealed and the reason(s) for the appeal; and
  - d. The remedy being sought.

## 9. Discipline Appeal Hearings

- 9.1 Except as required to explain the basis of new information, an appeal shall be limited to a review of the record of the disciplinary hearing and supporting documents for one or more of the following purposes:
- a. To determine whether the Student Conduct Review Hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures.

- b. To determine whether the decision reached regarding the accused student was based on substantial information, that is, whether there were facts in the case that were sufficient to establish that a violation of the Student Conduct Directive occurred.
  - c. To determine whether the disciplinary sanction(s) imposed were appropriate for the violation of the Student Conduct Code which the student was found to have committed.
  - d. To consider new information sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Student Conduct Review Hearing.
- 9.2 Hearings shall be conducted by the Discipline Appeal Committee according to the following guidelines:
- 9.2.1 Hearings shall be held within seven (7) working days after a request for an appeal has been received.
  - 9.2.2 Hearings shall be conducted in private.
  - 9.2.3 Admission of any person other than committee members shall be at the discretion of the Chair of the Discipline Appeal Committee.
  - 9.2.4 The student has the right to be assisted by any advisor he or she chooses, at his or her own expense. While the student is responsible for presenting his or her own case, the advisor may make representations on behalf of the student to the Discipline Appeal Committee.
  - 9.2.5 After the hearing, the Discipline Appeal Committee shall determine, by majority vote, whether the original decision(s) and/or disciplinary sanction(s) should be upheld, modified or overturned.
  - 9.2.6 The decision of the Discipline Appeal Committee shall be rendered within five (5) working days and communicated in writing to the student, the Executive Dean of the Faculty or Dean of the School, and the Registrar.
- 9.3 Decisions of the Discipline Appeal Committee will be final and binding on all affected persons.

- 9.4 The Chair shall be responsible for the preparation of the written record of the appeal hearing. The records shall be the property of the College.

10. Interim Suspension

- 10.1 In certain circumstances, the President or a Vice President may impose an interim College or residence suspension prior to a hearing being held. Such suspensions may include the issue of a written trespass warning notice, in accordance with s.2 of the Ontario Trespass to Property Act.
- 10.2 Such a suspension will be imposed:
- a. To ensure the safety and well-being of members of the College community or preservation of College property; or
  - b. To ensure the student's own physical or emotional safety and well-being; or
  - c. If the student presents a definite threat of disruption and/or interference with the normal operations of the College.
- 10.3 During this suspension, the student shall be denied access to the residence and/or College premises or participation in College activities for which the student might otherwise be eligible.
- 10.4 The interim suspension does not replace a Student Conduct Review Hearing, which shall proceed on the normal schedule.
- 10.5 Written trespass warning notices shall be communicated immediately to the Vice President, Student Services, the Director, Student Support Services, the Registrar, and to affected faculty and staff by Safety & Security Services.

**RELATED DIRECTIVES**

Academic Discipline – E16

Alcohol Directive – E42

Smoking – A5

Harassment/Discrimination – A8

Glossary of Terms

(original signed by)  
Vice President, Student Services

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**Appendix 1:                   STUDENT CONDUCT REVIEW HEARINGS  
ORDER OF PROCEEDINGS**

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1. Introduction of attendees and opening remarks of the Chair of the Student Conduct Review Board to explain procedure.
2. The Chair will ask the Complainant and the Accused Student to present their evidence and any statements in the following order.
  - 2.1 The Complainant's opening statement and perspective.
  - 2.2 Questioning of the Complainant by the Student Conduct Review Board. Any questions the Accused Student may have are to be directed to the Chair.
  - 2.3 The Accused Student's opening statement and perspective.
  - 2.4 Questioning of the Accused Student by the Student Conduct Review Board. Any questions the Complainant may have are to be directed to the Chair.
  - 2.5 Statements from Complainant's witnesses.
  - 2.6 Questioning of the Complainant's witnesses by the Student Conduct Review Board. Any questions the Accused Student may have are to be directed to the Chair.
  - 2.7 Statements from the Accused Student's witnesses.
  - 2.8 Questioning of the Accused Student's witnesses by the Student Conduct Review Board. Any questions the Complainant may have are to be directed to the Chair.
  - 2.9 Final questions from the Student Conduct Review Board.
  - 2.10 The Complainant's closing statement.
  - 2.11 Accused Student's closing statement.
3. The Accused Student, the Complainant, or the Student Conduct Review Board may recess at any time during the hearing, if necessary, to consult with their advisors or amongst themselves.
4. The Chair of the Student Conduct Review Board will conclude the meeting and advise the Accused Student and other affected persons how and when a decision will be communicated to them.
5. The Student Conduct Review Board will deliberate in private.

**Appendix 2: STUDENT CONDUCT REPORT**

**TO BE COMPLETED BY THE MEMBER OF THE COLLEGE COMMUNITY**

Directive E27 – Student Conduct. For a detailed list of acts of student misconduct, please refer to directive.

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Name of student(s): \_\_\_\_\_

Student number(s): \_\_\_\_\_

Date: \_\_\_\_\_

Program: \_\_\_\_\_

Name of College Member: \_\_\_\_\_

Description of alleged act of student misconduct:

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Signature of College Member

*Please forward the completed form to the Director, Student Support Services, Room C211, Woodroffe Campus.*