

**SA07****Student Conduct**

Classification:	Student Affairs
Responsible Authority:	Director, Student Support Service
Executive Sponsor:	Vice President, Student Services
Approval Authority:	Algonquin College Executive Team
Date First Approved:	1996-04-22
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**PURPOSE**

In keeping with Algonquin College values – Caring, Learning, Integrity and Respect – this policy is established to govern the actions taken by the College when students and prospective students engage in misconduct, and sets out the Student Conduct process.

**SCOPE**

Full-time, part-time and prospective students of the College are subject to this policy when there is a compelling rationale that their conduct has a real and substantive link to the College, regardless of where the conduct occurs. For greater certainty, this may include physical locations such as the College campus, other properties owned or leased by the College, or which are related to College activities or processes, as well as to any location where a student is attending or participating in any College related activity. It may also include other domains such as internet forums, electronic communications or other media.

Examples of such College related activities include field placements, co-operative education work terms, clinical and field placements, off-campus internships, and community service, College athletic teams travelling to events off campus or Students' Association activity off campus or Students' Association club events.

Examples of Conduct that have a real and substantial link to the College includes, but is not limited to:

1. Conduct that poses an obvious and serious threat of harm to any member(s) of the College Community;
2. Conduct that may result in consequences adversely affecting a member of the College Community's course of learning, teaching or work at the College;
3. Conduct by delegates or designated representatives of the College; and
4. Conduct by participants of an off-campus event organized by a recognized student group, or an off-campus event organized by an unrecognized student group that is readily identifiable with the College or any part of it.

Determinations of whether conduct has a real and substantial link to the College will be made by the persons or body authorized to make decisions by the conduct and appeal processes set out in this Policy. This determination may be appealed as part of the appeals process provided by this policy.

## DEFINITIONS

<b>Word/Term</b>	<b>Definition</b>
Accused Student	Any student or prospective student accused of misconduct.
Business Day	Every calendar day excluding Saturdays, Sundays and statutory holidays.
College Community	The College Community refers to learners, employees, contractors, volunteers, visitors, partners, vendors, and service providers at the College
College Official	Any College employee, not otherwise specifically identified by role, who is duly authorized and empowered to carry out official College business / processes / functions / activities on behalf of the College and is acting, within this context, in the name of the College.
Complainant Employee	Person who files a formal complaint in writing. Full-time and part-time College support staff, faculty and administrators.
Notice of Decision	A notification of the Student Conduct Board or the Discipline Appeal Committee to an Accused Student containing a copy of a written Decision.
Prospective Student	Any person who is in the process of enrolling in a course or program offered through / by the College when an alleged incident(s) occurred.
Recording Secretary	The Employee in charge of generating the official record of a Hearing.
Student	A Student is any person who is currently enrolled in a course or program at Algonquin College, but who may not yet have registered; who has applied for admission to the College; or who was enrolled in a course or program at the College.
Student Conduct Board	A three-member committee with the mandate to determine whether an accused student has committed misconduct and to impose sanction(s) on the accused student if misconduct by the accused student has been found to have occurred.

Student Conduct Decision	A written determination of the Student Conduct Board or the Discipline Appeal Committee.
Student Conduct Hearing	A duly convened hearing of the Student Conduct Board or the Discipline Appeal Committee. It includes a Preliminary Hearing and a Full Hearing of the Student Conduct Board as set out in policy SA07 Student Conduct Appendix 5 and 6 and a Discipline Appeal Committee Hearing as set out in Appendix 8.
Student Misconduct	Any conduct described within the Misconduct Section of policy SA07 Student Conduct.
Witness	Any person with direct knowledge of the misconduct or has expert insight that would assist the Student Conduct Board or Discipline Appeal Committee in reaching their decision.

## **POLICY**

The use of the word student throughout the policy includes students and prospective students as per definitions above.

Examples described in this policy are not intended to be exhaustive, but to provide reasonable guidance to members of the College Community.

Any reference to a person by position will be deemed to include that person's designate or appointee unless specifically stated otherwise.

1. All members of the College Community have the right to study or work without undue interference. The College has the expectation that all students and prospective students will conduct themselves in a manner that respects the rights of all members of the College Community, and College property.

## **2. Specific Misconduct**

Misconduct also includes, but is not limited to:

- 2.1 Providing, with intent, false information to any employee.
- 2.2 Disruption or obstruction of teaching or learning activities, including those College-directed functions on-campus or off-campus. Under these circumstances, College Officials are authorized to request a Student to remove themselves from a classroom, lab, or activity or function in order to mitigate the disruption or obstruction.
- 2.3 Assault, verbal abuse, threats, intimidation, harassment and/or other conduct, which result in members of the College Community perceiving threat or danger.

- 2.4 Theft, attempted theft or mischief related to the property of the College, or the property of a member of the College Community.
- 2.5 Any act which endangers the mental or physical health, or safety of any member of the College Community including the student them self.
- 2.6 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.
- 2.7 Unauthorized possession of explosives, weapons (including replica weapons), or dangerous chemicals on College premises, except where required for academic purposes.
- 2.8 Conduct which is disorderly, lewd or indecent.
- 2.9 Unauthorized use of electronic or other devices to make an audio, video, photographic or digital record of any person while on College premises or in College classes in a virtual environment without prior knowledge and effective consent when it is reasonable to believe that the recording or the nature in which it is played, shown, distributed or displayed is likely to cause distress to any person.
- 2.10 Breach of peace on College premises or at functions sponsored by the College or the Algonquin Students' Association.
- 2.11 Counselling, prompting, or otherwise aiding others in unacceptable acts.
- 2.12 Forgery of document(s), permit(s) or instrument(s) of identification, or tampering with official records.
- 2.13 Unlawful possession of, or trafficking in, a controlled substance as determined through the application of the Cannabis Act of Canada, Controlled Drugs and Substances Act and the Cannabis Control Act of Ontario, 2017. For greater clarity; the Cannabis Control Act of Ontario allows for the possession of up to 30 grams of cannabis for recreational purposes and allows for the consumption of cannabis, in accordance with the Smoke-Free Ontario Act. The Cannabis Control Act of Ontario prohibits possession, consumption, purchasing and distribution of cannabis by persons under 19 years of age.
- 2.14 Contravention of provincial liquor laws or the policies of the College governing the possession, distribution, and/or consumption of alcoholic beverages (See Policy HS 11 – Alcohol on Campus).
- 2.15 Being under the influence of alcohol or any other substance that impairs a student to the extent that they:
  - 2.15.1 May injure themselves, others, or property;
  - 2.15.2 Be a nuisance or cause disturbance to others in the vicinity;
  - 2.15.3 Is in such a condition that it is reasonable to believe that they are incapable of taking the necessary measures to assure their own safety or the safety of others.
- 2.16 Theft or other abuse of computer facilities and resources, including but not limited to:
  - 2.16.1 Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
  - 2.16.2 Unauthorized transfer of a file or record.
  - 2.16.3 Use of another individual's identification and/or password.

- 2.16.4 Use of computing facilities and resources to interfere with the work of another student, faculty member, or College Official.
  - 2.16.5 Use of computing facilities and resources to send obscene or abusive messages.
  - 2.16.6 Use of computing facilities and resources in violation of copyright laws.
  - 2.16.7 Any violation of the College Computer User Policy IT 01 - Acceptable Use of Algonquin Computer Networks and Accounts.
  - 2.17 Any other behaviour, that has not previously been specified, which is disruptive to the teaching or learning process, operations within the College Community, or which interferes with the well-being of other members of the College Community, or which causes damage to College property.
3. Misconduct also includes behaviours defined as:
- 3.1 Harassment / assault as defined in Policy SA 16 Sexual Assault/Sexual Violence; or
  - 3.2 Smoking in non-smoking areas as defined in Policy HS 10 Smoking on campus. as:

### **Responsibility of College Officials**

4. All College Officials have the authority and responsibility to keep necessary order, and to respond to acts of misconduct in their area, or when they are a witness to such events.

### **Law Violation**

5. In cases where a student may be subject to civil or criminal proceedings, the College will institute proceedings without regard to the foregoing, and will not be subject to challenge for that reason. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

### **Simultaneous Legal Proceedings**

6. Mediation, as outlined in Appendix 2, may be considered at the discretion of the Director of Student Support Services in advance of a Student Conduct Hearing as an alternative means to resolving conduct cases. Mediation is encouraged.

### **Possible Sanctions of Misconduct, Interim Suspension and Involuntary Leave of Absence**

7. Accused students who engage in misconduct will be subject to sanctions up to and including suspension and expulsion from the College. Sanctions are to reflect the severity of the accused students' misconduct and vary accordingly. More than one of the sanctions listed below may be imposed for any one single violation:
- 7.1. Admonition and Warning – a written notice admonishing the accused student for a violation of an institutional regulation or the expected standards of behaviour and requiring the accused student to correct their behaviour failing which further conduct proceedings may be instituted against the accused student.

- 7.2. Probation – a written reprimand to the accused student for a specific misconduct violation. Probation is for a designated period of time and includes the possibility of more severe sanctions if further misconduct occurs.
- 7.3. Loss of Privileges – denial of specified privileges for a designated period of time.
- 7.4. Restitution – compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacements.
- 7.5. Work assignments, service to the College, or other relevant assignments, reasonable and appropriate for the circumstances.
- 7.6. Residence Suspension – separation of the accused student from the Residence for a definite period of time, after which the accused student is eligible to apply to return. Conditions for re-admission must be specified.
- 7.7. Residence Expulsion – Permanent separation of the accused student from the Residence.
- 7.8. College Suspension – removal of the student from the College for a definite period of time, after which the accused student is eligible to apply to return. Conditions for re-admission and registration will be specified. Partial refunds for tuition expenses are not available to students who are suspended.
- 7.9. Issue of Trespass Notice – The issue of a trespass warning notice, for a specified period, in accordance with the Trespass to Property Act, R.S.O. 1990, c. T.21 or its successor act, if any.
- 7.10. College Expulsion – permanent removal of the accused student from the College. The accused student's official record will read: Involuntary Withdrawal - Student Misconduct. Partial refunds for tuition expenses are not available to students who are expelled.
- 7.11. Withholding Credential – the College may withhold awarding a credential otherwise earned until the completion of the process set forth in this policy, including the completion of all the sanctions imposed.
- 7.12. Other than College expulsion, conduct related sanctions shall not be made part of the Accused Student's permanent academic record. Record of a sanction(s) is to be kept on the student's file in the Registrar's Office. Records will be held intact for two years following the Accused Student's last academic activity.
- 7.13. Record of a sanction(s) is to be kept on the student's file in the Registrar's Office. Records will be held intact for two years following the Accused Student's last academic activity.

### **Interim Suspension**

8. In circumstances where an accused student has been charged criminally resulting from conduct on the College property or in relation to the College Community, Security Services will report the circumstances of the incident, as soon as is practicable, to the Senior Vice President Academic.
9. 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 the Ontario Trespass to Property

Act or its successor Act. The College reserves the right to adjust this process in the interests of the college community's safety.

10. Such a suspension will be imposed at the sole discretion of the President or a Vice President:
  - 10.1. To ensure the safety and well-being of members of the College Community or preservation of College property; or
  - 10.2. To ensure the accused student's own physical or emotional safety and well-being; or
  - 10.3. If the accused student presents a definite threat of disruption and/or interference with the normal operations of the College; or
  - 10.4. If the accused student has breached a Behavioural Contract previously issued by the Student Conduct Board.
11. During this suspension, the accused student shall be denied access to the Residence and/or College premises and some or all digital resources. However, some digital access to participate in courses may be made available to the accused student at the discretion of the Senior Vice President, Academic, based on the nature and severity of the alleged offence. Participation in College academics and/or activities for which the Accused Student might otherwise be eligible may also be denied. The accused student may enter the College premises upon invitation by a College Official for the purposes of a conduct related meeting or to attend a Hearing.
12. The interim suspension does not replace a Student Conduct Hearing.
13. All letters of interim suspension shall be communicated immediately to the Vice President, Student Services, the Director of Student Support Services, the Registrar, Security Services, Dean, Academic Chair of the Department, and to the Recording Secretary of the Student Conduct Board.

### **Involuntary Leave of Absence**

14. Involuntary Leave of Absence – An involuntary leave of absence is not a disciplinary sanction. It is an administrative action that removes an accused student from the student conduct process. It results in their removal from the College Community for a defined period of time with conditions for re-admission and registration to be specified.
15. An involuntary leave of absence may be applied in circumstances where, although the behaviour of the accused student might otherwise be considered misconduct, it is apparent that extenuating circumstances relating to their mental or physical health have materially influenced culpability and the student conduct process is considered an inappropriate response. In these circumstances, an accused student may be required to provide supporting information that substantiates the extenuating circumstances to the satisfaction of the Chair of the Student Conduct Board.
16. At any step in proceedings, the Chair of the Student Conduct Board may, independently or in concert with the Student Conduct Board, determine that a matter warrants the application of an involuntary leave of absence.

17.

**PROCEDURE**

	<b>Action</b>	<b>Responsibility</b>
	<b>Filing a Student Conduct Report</b>	
1.	Submit a written report of an incident giving rise to a charge of Misconduct using the Student Conduct Report form (Appendix 1) to the Director of Student Support Services as soon as practicable after the incident has taken place.	Any member of the College community
	Student Conduct Report to include specific misconduct as appropriate (Section 2 or 3 of the "Misconduct" Section of this Policy).	
2.	If the complainant is a student, the Student Conduct Report form must be signed by a College Official/Person of Authority.	Complainant who is a student or a prospective student
3.	If the Complainant is an employee or other member of the College Community the Student Conduct Report form must be signed by a College Official/Persons of Authority who represents supervisory authority in the area in which the Complainant is working/engaged.	Complainant who is not a Student
4.	Individuals who are subject to a Student Conduct Hearing should seek the advice of the Office of the Ombudsman at the earliest possible time in the process for support and direction.	The accused student
5.	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 the Ontario Trespass to Property Act. The imposition of any interim suspension will be done in accordance with s. 9 "Possible Sanctions for Misconduct and Interim Suspension" of this Policy.	The President or a Vice President
6.	In cases where mediation is not deemed appropriate, or mediation is rejected by the party(ies), or the mediation is unsuccessful, the Student Conduct Report shall be forwarded to the Chair of the Student Conduct Board, as soon as practicable.	Director, Student Support Services

7. A copy of all written complaints and charges of misconduct with a copy of Student Conduct Policy SA 07 will be sent to the accused student(s) via registered mail as per the preferred mailing address on the student file in the Registrar's Office and by email, if an email for the accused student(s) is available, and to the complainant(s) via email. Chair, Student Conduct Board
- 8 The covering letter accompanying the information listed in Section 7 (above, "Procedure" section of this policy), will encourage the party(ies) to contact the Office of the Ombudsman. Chair, Student Conduct Board
- Student Conduct Board Preliminary Hearing**
9. Upon receipt of a Student Conduct Report from the Director, Student Support Services, schedules a Preliminary Hearing no fewer than five (5) and no more than ten (10) business days after the accused student has been notified in writing of the charge(s) of misconduct. Time limits for scheduling of Preliminary Hearings may be extended at the sole discretion of the Chair of the Student Conduct Board. This notice of Preliminary Hearing shall include the name and contact information of the Chair of the Student Conduct Board. Recording Secretary, Student Conduct Board
10. At the Preliminary Hearing, give the accused student an opportunity to:
- a. Accept responsibility for the charge(s);
  - b. Accept responsibility for the charge(s) with an explanation;
  - c. Decline responsibility for the charge(s).
- Chair, Student Conduct Board
11. If the accused student(s) accepts responsibility for the charge(s), with or without explanation, the Student Conduct Board, after deliberations, will determine and impose sanctions at the conclusion of the Preliminary Hearing or by the conclusion of the three (3) business days. The written decision of the Student Conduct Board will be communicated as set out in s. 12 of the "Procedure" Section of the Policy, below. Student Conduct Board

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| 12. | Within three (3) business days of the Preliminary Hearing being held, a Notice of Decision will be sent to the accused student(s) via all email addresses on the student file. The Notice of Decision will include the written decision of the Student Conduct Board and sanctions imposed, if any. A copy of the Notice of Decision will also be provided to the Registrar's Office, the Dean of the School, Academic Chair of the Department, the Office of the Ombudsman and Security Services. The Notice of Decision will include information regarding the process to appeal a Student Conduct Board Decision. | Chair, Student Conduct Board |
| 13. | Inform as appropriate, the Complainant(s) of the Student Conduct Board's Decision and any sanction(s) to be imposed within three (3) business days of the Preliminary Hearing being held. When communicating to the Complainant(s) any sanction imposed by the Student Conduct Board, the Chair of the Student Conduct Board shall have appropriate regard to the Accused Student's right to a confidential Student Conduct Board process.   | Chair, Student Conduct Board |
| 14. | If the accused student declines responsibility for the charge(s), proceed to a Full Hearing (Appendix 6) immediately if the two parties agree. Otherwise, schedule a Full Hearing no fewer than five (5) and no more than ten (10) business days after the Preliminary Hearing. Time limits for scheduling of Hearings may be extended at the discretion of the Chair.<br><b>Student Conduct Board Full Hearing</b>  | Chair, Student Conduct Board |
| 15. | Conduct the Student Conduct Board Full Hearing according to the guidelines found in Appendix 2 and the Order of Proceedings found in Appendix 6.   | Chair, Student Conduct Board |
| 16. | Once all pertinent information has been presented to the Student Conduct Board, convene the Student Conduct Board in private to deliberate and decide if the accused student(s) has committed misconduct and will determine and impose sanctions at the conclusion of the Hearing or within five (5) business days.  | Chair, Student Conduct Board |

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| 17. Keep a record of the Student Conduct Full Hearing (excluding the deliberations) and pertinent records, exhibits and written statements, in the Office of the Director, Student Support Services for a period of seven (7) years.   | Recording Secretary, Student Conduct Board |
| 18. Within five (5) business days of the Full Hearing being held, a Notice of Decision will be sent to the accused student(s) via all email addresses on the student file. The Notice of Decision will include the written Decision of the Student Conduct Board and sanctions imposed, if any. A copy of the Notice of Decision will also be provided to the Registrar's Office, the Dean of the School, Academic Chair of the Department, Office of the Ombudsman and Security Services. The Notice of Decision will include information regarding the process to appeal a Student Conduct Board decision. | Chair, Student Conduct Board               |
| 19. Inform as appropriate, the Complainant(s) of the Board's Decision and any sanction(s) to be imposed within five (5) business days of the Full Hearing being held. When communicating to the Complainant(s) any sanction imposed by the Student Conduct Board, the Chair of the Student Conduct Board shall have appropriate regard to the accused student's right to a confidential Student Conduct Board process.   | Chair, Student Conduct Board               |
| <b>Discipline Appeal Committee Hearing</b>   |  |
| 20. Following a Preliminary Hearing or Full Hearing of the Student Conduct Board, the Accused Student(s) has a right to pursue an appeal of the Decision of the Student Conduct Board (in accordance with Appendices 7 and 8).   | Accused Student                            |
| 21. Within seven (7) business days of the Notice of Decision having been sent, the accused student(s) may request an appeal in writing to the Vice President, Student Services, by completing the form in Appendix 9 – Request for Discipline Appeal Committee Form).  | Complainant or Accused Student             |

22. Promptly upon receipt, of the appeal request, provide all relevant documents related to the appeal to the committee to review it to ensure it meets the requirements of an appeal as per the Appendix 7, section 5 and book a tentative Discipline Appeal Committee with members to take place. Confirm receipt of the appeal with the accused student and notify the accused student the review process will be concluded within three (3) business days.
23. Within three (3) business days, of the Recording Secretary providing the appeal documents, review the contents of the appeal to determine if the appeal is justified.
24. Within one (1) business day of the Appeal Committee decision to proceed with the appeal, a copy of the report regarding any information to be considered at the Appeal Hearing will be provided to the complainant(s).
25. The Discipline Appeal Committee will convene a Hearing (Appendix 8) within five (5) business days after the request for an appeal was vetted and confirmed to proceed by the committee .
26. The Appeal Hearing shall be conducted according to the guidelines in Appendix 3 and the order of proceeding found in Appendix 8.
27. Within five (5) business days of the Appeal Hearing being held, a Notice of Decision will be sent to the accused student(s) via all email addresses on the student file. The Notice of Decision will include the written Decision of the Discipline Appeal Committee and sanctions imposed, if any. A copy of the Notice of Decision will also be provided to the Registrar's Office, the Dean of the School, Academic Chair of the Department, Office of the Ombudsman, and Security Services. Decisions of the Discipline Appeal Committee will be final and binding on all affected persons.

Recording  
Secretary, Discipline Appeal  
Committee

Chair, Discipline Appeal  
Committee

Recording  
Secretary, Discipline Appeal  
Committee

Chair, Discipline Appeal  
Committee

Chair, Discipline Appeal  
Committee

Chair, Discipline Appeal  
Committee

At the discretion of the Chair of the Discipline Appeal Committee, the time limit for the Discipline Appeal Committee to render its Decision may be extended. In such cases, the accused student will be notified in writing of this extension.

## **SUPPORTING DOCUMENTATION**

- Appendix 1 Student Conduct Report Form
- Appendix 2 Mediation Guidelines
- Appendix 3 Student Conduct Board Hearing Guidelines
- Appendix 4 Student Conduct Board Terms of Reference
- Appendix 5 Student Conduct Preliminary Hearing: Order of Proceedings
- Appendix 6 Student Conduct Full Hearing: Order of Proceedings
- Appendix 7 Discipline Appeal Committee Terms of Reference
- Appendix 8 Discipline Appeal Committee Hearing: Order of Proceedings
- Appendix 9 Discipline Appeal Committee: Form
- Appendix 10 Statement Of Student Rights And Responsibilities

## **RELATED POLICIES**

- AA32 Use of Mobile Computing Devices in Class
- AA44 International Student Travel
- AA48 Academic Integrity
- AD02 Freedom of Information and Protection of Privacy
- HR18 Employee Code of Conduct
- HR22 Respectful Workplace
- HS10 Smoking on Campus
- HS11 Alcohol on Campus
- IT01 Acceptable Use of Computer Networks and Accounts
- SA16 Sexual Assault / Sexual Violence

## **RELATED MATERIALS**

Controlled Drugs and Substances Act (S.C. 1996, c. 19)

<http://laws-lois.justice.gc.ca/eng/acts/C-38.8/index.html>

Trespass to Property Act, R.S.O. 1990, c. T.21

[http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90t21\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90t21_e.htm)

## APPENDIX 1: STUDENT CONDUCT REPORT FORM

### TO BE COMPLETED BY ANY MEMBER OF THE COLLEGE COMMUNITY

For a detailed list of acts of Student Misconduct, please refer to SA 07 – Student Conduct Policy – Misconduct Section.

**Name of Accused Student(s):** \_\_\_\_\_

**Student number\* of Accused Student(s):** \_\_\_\_\_

**Program of Accused Student(s):** \_\_\_\_\_

**Date of incident(s):** \_\_\_\_\_

**Description of alleged act of Student Misconduct:**

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**SA07 Section 2 – List specific violation(s):**

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\_\_\_\_\_  
Print Name / Signature of Complainant(s)

\_\_\_\_\_  
Print Name / Signature of College Official/Persons of Authority

**Contact Information of Complaint(s):**

Email Address:

Phone number:

Mailing Address:

**Contact Information of College Official/Persons of Authority:**

Email Address:

Phone Number:

Mailing Address:

If you are a Student filing the Student Conduct Report Form, it must be signed by a College Official. If you are a Prospective Student the Student Conduct Report Form must be signed by the Director of Student Services. If you are an Employee or other member of the College Community the Student Conduct Report Form must be signed by a College Official/Persons of Authority who represents supervisory authority in the area in which you are working/engaged.

*Please forward the completed form to the Director of Student Support Services, Room E306, Woodroffe Campus or via email to [StudentConductBoard@algonquincollege.com](mailto:StudentConductBoard@algonquincollege.com).*

*If there any questions about filling out the form please contact the Recording Secretary of the Student Conduct Board at 613-727-4723 ext. 6537.*

## APPENDIX 2

### MEDIATION GUIDELINES

1. Upon receipt of a written report of an incident giving rise to a charge of misconduct (using the student conduct report form) the director of student support services may determine that mediation is a viable option, which may lead to successful resolution of the incident.
2. If the accused student(s) has not yet been informed of the complaint, the director of student support services will advise the accused student(s) of the complaint and of the availability of mediation where applicable. The complainant(s) will also be provided information about the process.
3. If the complainant(s) and accused student(s) agree to participate in the mediation, the director will convene the mediation session to take place within ten (10) business days of the agreement to mediate.
4. Once there is agreement on proceeding with mediation, the director of student support services will act as the mediator or appoint a mediator. Should the director of student support services act as mediator he/she will recuse themselves from a subsequent hearing should it be required.
5. Both the complainant(s) and the accused student(s) must agree on the mediator. If the parties fail to agree on a mediator, the student conduct hearing will proceed.
6. The mandate of the mediator is to bring the complainant(s) and the accused student(s) together to explore each other's point of view and to assist the parties in reaching a solution. Subject to the sole discretion of the mediator, only the complainant(s) and the accused student(s) may attend and participate in the mediation session. The mediator will not make decisions, recommendations nor act as an advocate for either party. The mediation process will be "without prejudice" and "off- the-record" unless the parties specifically agree to the contrary. The record of any settlement reached will be provided to the director of student support services.
7. Mediation is terminated when:
  - 7.1. The complainant(s) and accused student(s) reach a mutual agreement that is consistent with college policies. The mutual agreement shall be final and documented. There shall be no subsequent proceedings, unless there is a violation of the mutual agreement.
  - 7.2. The complainant(s) or the accused student(s) decide not to pursue mediation any further, in which case, the matter will proceed to a student conduct board hearing.
8. The mediator has the ability to terminate the mediation should the process not be positive or productive, or not likely to come to a resolution that is fair to both parties. A mediator's report will be provided to the office of the director of student support services.
9. If the mediation is terminated without an agreement the mediator shall prepare and forward a mediator's report to the chair of the student conduct board.

#### **Accommodation**

10. If the accused student(s) or complainant(s) require any accommodations in the mediation process they shall promptly inform the director of student support services of any such accommodation(s) required. The director of student support services may ask for more information, including relevant medical records, to better understand the accused student(s) or complainant(s) needs and determine how the mediation can be made accessible. The director of student support services shall have the discretion to make any accommodations as required so that the parties are able to participate in the mediation on an equivalent basis.

## APPENDIX 3

### STUDENT CONDUCT BOARD HEARING GUIDELINES

All hearings will be conducted according to the following guidelines, and in accordance with the principles of natural justice.

#### Principles of Natural Justice

The principles of natural justice include:

1. An accused student shall be given adequate notice of the allegations and the proceedings;
2. An accused student shall be provided the opportunity to hear the case against them;
3. An accused student shall be provided the opportunity to respond to the allegations against them;
4. A decision-maker shall operate in good faith, be unbiased and shall recuse themselves should they have any personal interest in the proceeding;
5. Proceedings shall be conducted so they are fair to all the parties;
6. Written reasons of the decision reached by the decision maker(s) shall be provided; and
7. A decision made shall not be arbitrary, but rather founded on the evidence led before the decision-maker(s).

#### General

1. These guidelines will be liberally construed to secure the just, most expeditious and cost-effective determination of every proceeding on its merits.
2. Hearings shall be conducted in an informal manner, in accordance with the principles of natural justice. The Chair of the Student Conduct Board shall not be bound to observe strict legal procedures.

Minor procedural defects shall not invalidate a decision unless a party can show actual prejudice to them or their case as a result of the minor procedural defect(s).

3. Formal rules of process, procedure, and/or technical rules of evidence, such as those applied in criminal or civil court, are not required in Hearings.
4. In an incident involving more than one accused student, the Chair of the Student Conduct Board or Disciplinary Appeal Committee may, at their discretion, conduct the hearing for each accused student separately or jointly.
5. All procedural questions are subject to the final determination of the Chair of the Student Conduct Board or Discipline Appeal Committee.
6. If an accused student(s) does not appear at a hearing despite having been notified of the date and time of the Hearing, the information in support of the charge(s) shall be presented after waiting 15 minutes from the scheduled time of the hearing and considered even if the accused student(s) is

not present. The hearing may be conducted in the absence of the accused student and a decision rendered.

7. At the discretion of the Student Conduct Board or Discipline Appeal Committee:

- 7.1 Accommodations may be made for the personal safety, well-being, and/or fears of confrontation of the complainant(s), accused student(s), and/or other witnesses during the hearing. This may include the provision of: 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.
- 7.2 Member(s) of Security Services may be required to be present during the course of the Student Conduct Hearing.

*Quorum*

8. If a member of Student Conduct Board or Discipline Appeal Committee 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 render a decision.
9. The determination of a majority of the members of the Student Conduct Board or the Discipline Appeal Committee, or their unanimous determination in the case of a two-member panel, is the decision.

*Advisors*

10. The complainant(s) and the accused student(s) and if applicable their advisors are entitled to be present for the hearing excluding deliberations. The Student Conduct Board or Disciplinary Appeal Committee Chair retains the right to remove anyone from the hearing if they are disruptive. The accused student(s) and the complainant(s) must advise the Student Conduct Board or Discipline Appeal Committee Chair as to whether or not they will have an advisor at least one (1) business day prior to the Hearing. Admission of any other person to the hearing shall be at the discretion of the Chair of the Student Conduct Board or Discipline Appeal Committee.

Student Conduct Board

11. The complainant(s) and the accused student(s) have the right to be assisted by an advisor they choose, at their own expense. The complainant(s) and/or the accused student(s) are responsible for presenting their own information. Advisors are not permitted to speak or to participate directly in a Hearing. An accused student or complainant should select as an advisor a person whose schedule allows attendance at the scheduled date and time of the hearing. Delays will not normally be allowed due to the scheduling conflicts of an advisor.

Discipline Appeal Committee

12. The accused student has the right to be assisted by any advisor they choose, at their own expense. While the accused student is responsible for presenting their own case, the advisor may make representations on behalf of the appellant to the Discipline Appeal Committee. The Chair of the Discipline Appeal Committee shall retain the discretion to impose time limits on representations.

### *Witness*

13. A witness must have knowledge related to the alleged misconduct or be able to provide expert insight that would assist the Student Conduct Board or Discipline Appeal Committee in reaching its decision.
14. Witnesses will provide information and answer questions from the Student Conduct Board or Discipline Appeals Committee. Questions asked by the Accused Student and/or Complainant(s) are to be directed to the Chair of the Student Conduct Board or the Discipline Appeals Committee, 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.

### Student Conduct Board

15. The complainant(s) and the accused student(s) may arrange for witnesses to present pertinent information at the scheduled hearing as follows:
16. Accused student(s):
  - 16.1 A listing of all witnesses who the accused student intends to have attend to give testimony including their connection to the College, if known (e.g. student, employee) as well as their contact information (e.g. email address) will be provided to the Recording Secretary no less than three (3) business days prior to the scheduled hearing.
  - 16.2 Delays will not normally be allowed due to the scheduling conflicts of a witness, but is at the discretion of the Chair.
  - 16.3 The Recording Secretary will send formal written confirmation of the hearing date and time to all listed witnesses.
17. Complainant(s):
  - 17.1 A listing of all witnesses including their relationship to the College, if known (e.g. student, employee) as well as their contact information (e.g. email address) will be provided to the recording secretary no less than three (3) business days prior to the scheduled hearing.
  - 17.2 If the complainant is Security they have the authority to directly confirm witnesses and advise the Recording Secretary.
  - 17.3 Delays will not normally be allowed due to the scheduling conflicts of a witness, but is at the discretion of the Chair.

### Discipline Appeal Committee

18. The accused student(s) must provide the names of any witnesses that the accused student(s) intends to call, if permitted to do so, along with the Discipline Appeal Committee Form (Appendix 9).

19. The accused student(s) shall be responsible for arranging the attendance of any their witnesses at the Discipline Appeal Committee.
20. In certain circumstances, the Chair of the Discipline Appeal Committee may invite a witness to attend at the Discipline Appeal Committee.

#### *Evidence*

#### Student Conduct Board

21. The accused student(s) shall be afforded the opportunity to give evidence on their own behalf. Should the accused student(s) decide to give evidence, they will be subject to questions from the Student Conduct Board, and the complainant(s). No inference may be drawn against the accused student(s) for refusing to give evidence, except to the extent that the allegations against the accused student(s) remain uncontradicted. The Chair of the Student Conduct Board shall, in their introductory remarks, advise the accused student(s) as to the substance of this guideline.
22. If the accused student(s) wishes to provide any further documentation to the Student Conduct Board, the accused student(s) must provide this to the Recording Secretary three (3) business days in advance of the Hearing. The Recording Secretary shall provide the documentation promptly to the complainant(s) upon receipt. However, the Student Conduct Board may exercise their discretion to receive documentation at any time during the hearing.
23. Pertinent records, exhibits, and written statements, including statements detailing the impact of the misconduct on the complainant(s), may be accepted as information for consideration at the hearing at the discretion of the Chair of the Student Conduct Board.

#### *Deliberations*

24. After all pertinent information has been presented to the Student Conduct Board or the Discipline Appeal Committee, the members will meet in private and determine by majority vote whether the accused student(s) has committed misconduct, in the case of the Student Conduct Board, or if the appeal should be allowed in the case of an appeal to the Discipline Appeal Committee.
25. The deliberations of the Student Conduct Board and the Discipline Appeal Committee will be conducted in private by the members of the Student Conduct Board or the Discipline Appeal Committee (as the case may be) and the Recording Secretary in attendance.
26. All information, which is presented to the Student Conduct Board or the Discipline Appeal Committee, will be considered and weighed in terms of its relevance and probative value to the misconduct alleged and the sanction, if any, that may be imposed.
27. The Chair of the Student Conduct Board or Discipline Appeal Committee will maintain a record of the Hearing, excluding the Board deliberations. The record will be kept on file for seven (7) years 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.

#### Student Conduct Board

28. The Student Conduct Board shall reach its decision on the basis of whether it is more likely than not that the accused student(s) committed misconduct.
29. If it is determined by the Student Conduct Board that the accused student(s) has committed misconduct, a sanction will be imposed by the Student Conduct Board.

**Accommodation**

30. If the accused student(s) or complainant(s) require any accommodations in the Student Conduct Board proceedings or the Discipline Appeal Committee proceedings they shall promptly inform the Chair of the Student Conduct Board or the Chair of the Discipline Appeals Committee of any such accommodation(s) required. The Chair of either the Student Conduct Board or the Discipline Appeal Committee (as the case may be) may ask for more information, including relevant medical records, to better understand the accused student(s) or complainant(s) needs and determine how the Student Conduct Board or the Discipline Appeals Committee can make the process accessible. The Chair of the Student Conduct Board and the Chair of the Discipline Appeal Committee shall have the discretion to make any accommodations as required so that everyone is able to participate in the Student Conduct Board and the Discipline Appeal Committee proceedings on an equivalent basis.

## APPENDIX 4

### STUDENT CONDUCT BOARD TERMS OF REFERENCE

1. In September of each year the Vice President, Student Services will establish the Student Conduct Board and submit members' names to the Algonquin College Executive Committee.
2. The Student Conduct Board shall be composed of the following persons:
  - 2.1 One Dean, or Academic Chair, who will act as Chair of the Student Conduct Board ("Chair of the Student Conduct Board);
  - 2.2 The Director, Student Support Services, or an alternate named by the Director; and
  - 2.3 One student, appointed by the Students' Association, and who is not involved with the case; and
  - 2.4 Recording Secretary (no decision-making authority).
3. The Student Conduct Board may be altered at the discretion of the Chair of the Student Conduct Board. The Student Conduct Board may be expanded by the Chair of the Student Conduct Board to include representation from the satellite campuses when deemed necessary.
4. The mandate of the Student Conduct Board is to determine whether an accused student(s) has committed misconduct and to impose sanction(s) if a violation(s) has been found.

## APPENDIX 5

### STUDENT CONDUCT PRELIMINARY HEARING: ORDER OF PROCEEDINGS – ACCUSED STUDENT(S) ACCEPTS RESPONSIBILITY FOR THE CHARGE(S)

Student Conduct Hearings shall be conducted in accordance with the principles of natural justice. The Chair of the Student Conduct Board shall control the proceedings and may modify or depart from the order of proceedings set out below, so long as the principles of natural justice (See Appendix 3) are observed.

Hearings may take place in-person or in a virtual meeting format and shall be conducted in a private setting.

Upon the accused student(s) electing to proceed under Procedure s. 10 (accepting responsibility for the charges) the following procedure will apply:

1. The Chair of the Student Conduct Board informs the Accused Student(s) that the proceedings are recorded. Opening remarks of the Chair of the Student Conduct Board shall be to explain procedure and shall introduce the attendees. The Chair of the Student Conduct Board shall ask the accused student(s) if they wish to raise a concern of conflict of interest regarding any member of the Student Conduct Board. Based on the accused student(s) response, the Chair of the Student Conduct Board will determine the validity of any alleged conflict of interest and next steps in proceedings.
2. The Chair of the Student Conduct Board reads the Student Conduct Report Form to the accused student(s), and asks if they accept the charge(s) or accept the charge(s) with explanation or decline responsibility for the charge(s). This process can be modified at the Chair of the Student Conduct Board's discretion to ask the participants to confirm they have read all pertinent material for the Hearing.
3. The accused student(s), the complainant(s), or the Student Conduct Board may request a recess at any time during the hearing, if necessary, to consult with their advisors or amongst themselves. The Chair of the Student Conduct Board will determine whether or not a recess will be granted.
4. When the accused student(s) accepts responsibility for the charge(s) and does not provide an explanation, the Chair of the Student Conduct Board will request the parties proceed on the following basis:
  - a. The complainant(s) will provide their perspective and any recommendations.
  - b. The Student Conduct Board may ask any questions of the complainant(s) as they see fit.
  - c. The accused student(s) closing statement and recommendations regarding a potential
  - d. resolution for the charge(s).
5. The Chair of the Student Conduct Board will conclude the hearing and advise the accused student(s) and complainant(s) how and when a decision will be communicated to them.
6. The Student Conduct Board will deliberate in private.
7. The Student Conduct Board will follow the procedure as outlined in the procedure section (s. 12 and 13) of the policy timelines and communication of their decision.

### STUDENT CONDUCT PRELIMINARY HEARING: ORDER OF PROCEEDINGS – ACCEPT RESPONSIBILITY FOR THE CHARGE(S) WITH AN EXPLANATION

Student Conduct Hearings shall be in accordance with the principles of natural justice. The Chair of the Student Conduct Board shall control the proceedings and may modify or depart from the order of proceedings set out below, as long as the principles of natural justice (See Appendix 3) are observed.

Hearings may take place in-person or in a virtual meeting format and shall be conducted in a private setting.

Upon the accused student(s) electing to proceed under s. 10 (accepting responsibility for the charges with an explanation) the following procedure will apply:

1. The Chair of the Student Conduct Board informs the accused student(s) that the proceedings are recorded. Opening remarks of the Chair of the Student Conduct Board shall be to explain procedure and shall introduce the attendees. The Chair of the Student Conduct Board shall ask the accused student(s) if they wish to raise a concern of conflict of interest regarding any member of the Student Conduct Board. Based on the accused student(s) response, the Chair of the Student Conduct Board will determine the validity of any alleged conflict of interest and next steps in proceedings.
2. The Chair of the Student Conduct Board reads the Student Conduct Report Form to the accused student(s), and asks if they accept the charge(s) or accept the charge(s) with explanation or decline responsibility for the charge(s). This process can be modified at the Chair of the Student Conduct Board's discretion to ask the participants to confirm they have read all pertinent material for the Hearing.
3. The accused student(s), the complainant(s), or a member of the Student Conduct Board may request a recess at any time during the hearing, if necessary, to consult with their advisors or amongst themselves. The Chair of the Student Conduct Board will determine whether or not a recess will be granted.
4. When the accused student(s) accepts responsibility with an explanation the Chair of the Student Conduct Board will ask the complainant(s) and the accused student(s) to present their statements in the following order:
  - a. The accused student(s) opening statement and explanation, if they so elect, and have not previously provided their explanation.
  - b. Questioning of the accused student(s) by the Student Conduct Board. Any questions the complainant(s) may have are to be directed to the Chair of the Student Conduct Board.
  - c. The complainant(s) will provide their perspective and any recommendations.
  - d. Accused student(s) closing statement and recommendations regarding a potential resolution for the charge(s).
  - e. The complaint(s) closing statement and recommendations regarding a potential resolution for the charge(s).
  - f. Final questions from the Student Conduct Board.
5. The Chair of the Student Conduct Board will conclude the hearing and advise the accused student(s) and complainant(s) how and the likely time when a decision will be communicated to them.
6. The Student Conduct Board will deliberate in private.
7. The Student Conduct Board will follow the procedure as outlined in the procedure section (s. 12 and 13) of the policy regarding the timelines and communication of their decision.

**STUDENT CONDUCT PRELIMINARY HEARING: ORDER OF PROCEEDINGS:  
DECLINE RESPONSIBILITY FOR THE CHARGE(S)**

Student Conduct Hearings shall be conducted in accordance with the principles of natural justice. The Chair of the Student Conduct Board shall control the proceedings and may modify or depart from the order of proceedings set out below, as long as the principles of natural justice (Appendix 3) are observed.

Hearings may take place in-person or in a virtual meeting format and shall be conducted in a private setting.

1. The Chair of the Student Conduct Board informs the accused student(s) that the proceedings are recorded. Opening remarks of the Chair of the Student Conduct Board shall be to explain procedure and shall introduce the attendees. The Chair of the Student Conduct Board shall ask the accused student(s) if they wish to raise a concern of conflict of interest regarding any member of the Student Conduct Board. Based on the accused student(s) response, the Chair of the Student Conduct Board will determine the validity of any alleged conflict of interest and next steps in proceedings.
2. The Chair of the Student Conduct Board reads the Student Conduct Report form to the accused student(s), and asks if they accept the charge(s) or accept the charge(s) with explanation or decline responsibility for the charge(s). This process can be modified at the Chair of the Student Conduct Board's discretion to ask the participants to confirm they have read all pertinent material for the Hearing.
3. The accused student(s), the complainant(s), or Student Conduct Board may request a recess at any time during the hearing, if necessary, to consult with their advisors or amongst themselves. The Chair of the Student Conduct Board will determine whether or not a recess will be granted.
4. Upon the accused student(s) electing to proceed under s. 10 (decline responsibility for the charges) the following procedure will apply:
  - a. Should the accused student(s) decline responsibility for the charge(s), proceed to a Full Hearing. The Chair of the Student Conduct Board will schedule a Full Hearing no fewer than five (5) and no more than ten (10) business days after the Preliminary Hearing. Time limits for scheduling of hearings may be extended at the discretion of the Chair of the Student Conduct Board.

## APPENDIX 6

### STUDENT CONDUCT FULL HEARING: ORDER OF PROCEEDINGS

Student Conduct Hearings shall be conducted in accordance with the principles of natural justice. The Chair of the Student Conduct Board shall control the proceedings and may modify or depart from the order of proceedings set out below, as long as the principles of natural justice (See Appendix 3) are observed.

Hearings may take place in-person or in a virtual meeting format and shall be conducted in a private setting.

Upon the accused student(s) electing to proceed under s. 10 (decline responsibility for the charges) the following procedure will apply once the Full Hearing commences. In the event of the Full Hearing commencing immediately after the Preliminary Hearing the Full Hearing process shall commence at section 4, below:

1. The Chair of the Student Conduct Board informs the accused student(s) that the proceedings are recorded. Opening remarks of the Chair of the Student Conduct Board explain procedure and introduction of attendees. If there has been a change in the composition of the Student Conduct Board the Chair of the Student Conduct Board asks the accused student(s) if they wish to raise a conflict of interest with any member of the Student Conduct Board. Based on the accused student(s) response the Chair of the Student Conduct Board will determine validity of any alleged conflict of interest and next steps in proceedings.
2. The Chair of the Student Conduct Board asks the accused student(s) if the Student Conduct Report Form needs to be re-read or if readings can be waived. In all cases the charge(s) must be read.
3. The accused student(s), the complainant(s), or a member of the Student Conduct Board may request a recess at any time during the hearing, if necessary, to consult with their advisors or amongst themselves. The Chair of the Student Conduct Board will determine whether or not a recess will be granted.
4. The Chair of the Student Conduct Board will ask the complainant(s) and the accused student(s) to present their evidence and any statements in the following order:
  - a. The complainant(s) opening statement and perspective;
  - b. Questioning of the complainant(s) by the Student Conduct Board. Any questions the accused student(s) may have are to be directed to the Chair of the Student Conduct Board;
  - c. Statements from complainant(s) witnesses;
  - d. Questioning of the complainant(s) witnesses by the Student Conduct Board. Any questions the accused student(s) may have are to be directed to the Chair of the Student Conduct Board;
  - e. The accused student(s) opening statement and perspective, if they so elect;

- f. Questioning of the accused student(s) by the Student Conduct Board. Any questions the complainant(s) may have are to be directed to the Chair of the Student Conduct Board;
  - g. Statements from the accused student(s) witnesses;
  - h. Questioning of the accused student(s) witnesses by the Student Conduct Board. Any questions the Complainant(s) may have are to be directed to the Chair of the Student Conduct Board;
  - i. Final questions from the Student Conduct Board;
  - j. The complainant(s) closing statement and recommendations regarding a potential resolution for the charge(s); and,
  - k. The accused student(s) closing statement and recommendations regarding a potential resolution for the charge(s).
5. The Chair of the Student Conduct Board will conclude the hearing and advise the accused student(s) and complainant(s) how and the likely time when a decision will be communicated to them.
  6. The Student Conduct Board will deliberate in private.
  7. The Student Conduct Board will follow the procedure as outlined in the Procedure section (s. 18 and 19) of the policy regarding the timelines and communication of their decision.

**APPENDIX 7****DISCIPLINE APPEAL COMMITTEE TERMS OF REFERENCE**

1. In September of each year, the Vice President, Student Services, will establish a Discipline Appeal Committee.
2. The Discipline Appeal Committee shall be composed of the following persons:
  - 2.1 The Vice President, Student Services, or designate, who will act as Chair to the Discipline Appeal Committee (“Chair of the Discipline Appeal Committee”).
  - 2.2 One College administrator, preferably from the Academic area.
  - 2.3 One student, appointed by the Students' Association, and who is not involved with the case.
  - 2.4 Recording Secretary (no decision-making authority).
3. In exceptional circumstances, the composition of the Discipline Appeal Committee may be altered at the discretion of the Chair of the Discipline Appeal Committee.
4. At no point in time shall the Discipline Appeal Committee contain a member of the Student Conduct Board that issued the Decision under appeal.
5. The accused student(s) may appeal the decision of the Student Conduct Board based on one or more of the following grounds only:
  - a. The Student Conduct Hearing was not conducted fairly, in accordance with its prescribed guidelines and the principles of natural justice (Appendix 3).
  - b. The facts presented in the case were not sufficient to establish that a violation had occurred of the Student Conduct Policy or that there was a real and substantial link to the College.
  - c. The disciplinary sanction(s) imposed were inappropriate for the violation of the Student Conduct Code which the student was found to have committed.
  - d. To present new information that could not reasonably have been presented earlier and which may be sufficient to alter a decision; or facts that were not known to the Student Conduct Board at the time of the original hearing due to extenuating circumstances. In these cases the Discipline Appeal Committee is obliged to consider the validity and admissibility of the new information/ facts. In the event that new information is being relied upon by the accused student(s), the Discipline Appeal Committee in their decision shall specifically explain in their decision why or why not they have accepted or rejected all or some of the new information.
6. Except as required to examine any new information, the Discipline Appeal Committee, as part of the hearing, will limit its review to the record of the Student Conduct Hearing and supporting documents filed during the Student Conduct Hearing.

**APPENDIX 8****DISCIPLINE APPEAL HEARING ORDER OF PROCEEDINGS**

Hearings shall be conducted by the Discipline Appeal Committee according to the following guidelines:

1. The Chair of the Discipline Appeal Committee shall control the proceedings and may modify or depart from the order of proceedings set out below, as long as the principles of natural justice (See Appendix 3) are observed.
2. The Discipline Appeal Committee has three (3) business days to review request for appeals and determine if the appeal will move forward to a hearing. Hearings shall be held within five (5) business days after a request for an appeal has been vetted and confirmed to proceed by the Discipline Appeal Committee . In exceptional circumstances, the timeframe may be extended at the request of the accused student(s) and/or at the discretion of the Chair of the Discipline Appeal Committee.
3. Hearings may take place in-person or in a virtual meeting format and shall be conducted in a private setting.
4. The complainant(s) and accused student(s) in the original Student Conduct Board have the right to attend the appeal.
5. Admission of any person other than committee members shall be at the discretion of the Chair of the Discipline Appeal Committee.
6. The Chair of the Discipline Appeal Committee informs the accused student(s) that the proceedings are recorded. Opening remarks of the Chair of the Discipline Appeal Committee explain procedure and introduction of attendees. The Chair of the Discipline Appeal Committee will ask the accused student(s) if they wish to raise a conflict of interest with any member of the Discipline Appeal Committee. Based on the accused student's response, the Chair of the Discipline Appeal Committee will determine the validity of any alleged conflict of interest and will determine the next steps in the proceedings.
7. The Chair of the Discipline Appeal Committee confirms with the accused student(s) that all the accused student's appeal materials have been received and reviewed by the Discipline Appeal Committee.
8. The Chair of the Discipline Appeal Committee confirms with the accused student(s) that they have received a copy of materials provided to the Discipline Appeal Committee.
9. The accused student(s), the complainant(s), or a member of the Discipline Appeal Committee may request a recess at any time during the hearing, if necessary, to consult with their advisors or amongst themselves. The Chair of the Discipline Appeal Committee will determine whether or not a recess will be granted.
10. The Chair of the Discipline Appeal Committee will ask the accused student(s) to present their statement in the following order:
  - a. The accused student(s) opening statement and perspective.
  - b. Questioning of the accused student(s) by the Discipline Appeal Committee. Any questions the
  - c. appellant may have are to be directed to the Chair of the Discipline Appeal Committee.

- d. The Chair of the Discipline Appeal Committee will ask the accused student(s) for their recommendations regarding a potential resolution for the charge(s).
  - e. Final questions from the Discipline Appeal Committee.
  - f. The accused student's closing statement.
11. When the complainant(s) is present, the Chair of the Discipline Appeal Committee will ask the accused student(s) and the complainant(s) to present their statements in the following order:
- a. The accused student(s) opening statement and perspective. If the accused student(s) intends on introducing new information, the accused student(s) shall, in their opening statement, address the new information, specifically why the new information could not reasonably have been presented earlier or what extenuating factors resulted in the new information not being known to the Student Conduct Board at the time of the original Hearing.
  - b. Questioning of the accused student(s) by the Discipline Appeal Committee. Any questions the accused student(s) may have are to be directed to the Chair of the Discipline Appeal Committee.
  - c. The Chair of the Discipline Appeal Committee will ask the accused student(s) for their recommendations regarding a potential resolution for the charge(s).
12. The Chair of the Discipline Appeal Committee may call upon the complainant(s), if necessary, to participate as set out below:
- a. The complainant(s) opening statement and perspective.
  - b. Questioning of the complainant(s) by the Discipline Appeal Committee. Any questions the
  - c. accused student(s) appellant may have are to be directed to the Chair of the Discipline Appeal Committee.
  - d. Final questions from the Discipline Appeal Committee.
  - e. The complainant's closing statement.
  - f. The accused student's closing statement.
13. The Chair of the Discipline Appeal Committee will conclude the Appeal Hearing and advise the accused student(s) how and when a decision will be communicated. The Discipline Appeal Committee has five (5) business days to determine and communicate a decision.
14. The Discipline Appeal Committee will deliberate in private and shall determine, whether the original Decision(s) and/or disciplinary sanction(s) should be upheld or modified.
15. Decisions of the Discipline Appeal Committee will be final and binding on all affected persons.

**APPENDIX 9****REQUEST FOR DISCIPLINE APPEAL COMMITTEE FORM**

All accused students who are appealing a decision to the Discipline Appeal Committee must complete and return this form to the Vice President of Student Services and the Secretary of the Student Conduct Board along with their written request of the appeal and supporting documents, when necessary, within seven (7) business days of receiving written notice of the decision and sanctions imposed by the Student Conduct Board.

Completion and submission of this form does not mean that the Discipline Appeal Committee accepts the appeal. The decision to accept the appeal is made by the Discipline Appeal Committee.

Student Name:

Student No.:

1. A brief description of the case:

2. The Decision and disciplinary sanction(s) imposed by the Student Conduct Board, as written in the letter you received from the Student Conduct Board:

3. There are four grounds for which an appeal may be granted, please complete the section below:

- a. **I am appealing because the Student Conduct Hearing was not conducted fairly.**

Yes

No

If yes, please describe what was unfair about the hearing:

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**b. I am appealing because there were not enough facts provided to prove that I had violated the Student Conduct Policy.**

Yes

No

If yes, please describe what facts were provided for the committee to make a decision:

**c. I am appealing because the disciplinary sanction(s) were not appropriate for the breach of Student Conduct that occurred.**

Yes

No

Please indicate why you believe that sanction of the committee was not appropriate:

**d. I am appealing because, I now have new facts that could not reasonably have been presented at the time of the original Student Conduct Hearing.**

Yes

No

Please provide a description of what the new facts are that were not known at the original Hearing, why the facts were not known at the time of the original Hearing, and how it should impact a final decision about the sanction of your student conduct:

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4. Please describe what remedy you are asking the appeal committee to consider:

## APPENDIX 10

### STATEMENT OF STUDENT RIGHTS AND RESPONSIBILITIES

This policy puts into practice the Statement on Student Rights and Responsibilities, which states that membership of the College Community implies acceptance of the principles of mutual respect for the rights and responsibilities, dignity, and well-being of any member of the College community.

With respect to students and prospective students, these rights, and responsibilities that accompany them, include, but are not limited to, the following:

1. You retain all your ordinary RIGHTS, under applicable laws of Canada and Ontario, when you become a member of the College Community. By the same token, as a student, you continue to have the RESPONSIBILITY to abide by all Federal, Provincial and Municipal laws, regulations and by-laws, in addition to College policies. The College may decide to impose and enforce its own discipline procedures, pursuant to its policies, in addition to any enforcement procedures of civil authorities.
2. Subject to availability of College resources, you have the RIGHT to participate, unhindered, in the academic, intellectual, cultural and social life of the College. You have the RESPONSIBILITY to respect the rights of others to the same participation by refraining from actions that threaten or disrupt the academic, intellectual, cultural and social life of the College.
3. Pursuant to the laws of Canada, Ontario and College policies, you have the RIGHT to the safety and security of your person in an environment free from harassment, intimidation, discrimination or assault. You have the RESPONSIBILITY to treat others with respect and refrain from acts of harassment, intimidation, discrimination or assault.
4. Subject to your compliance with College policies and rules, you have the RIGHT to the free and peaceful use of College property, grounds and facilities for all legitimate purposes. You have the RESPONSIBILITY to respect and preserve property, grounds and facilities so they may be equally available to others.
5. You have the RIGHT to fair process and an expectation that the principles of natural justice will prevail in official procedures. This implies the provision of: impartial arbiters; advanced written notice of all complaints; sufficient time to prepare oneself for a hearing, if accused of a policy violation; opportunity to testify, present evidence, know, respond and seek clarification of evidence presented by Witnesses; timely access to information and documentation upon which judgments are to be made; the right to an advisor; the right to timely resolution of issues following guidelines set out in College policies. You have the RESPONSIBILITY to recognize and respect the legitimate exercise of authority by a College Official or authorized agent. This includes, but is not limited to, the authority of a faculty member in a teaching environment, and the authority of any official, agent or Employee carrying out duties as assigned by or on behalf of the College.

