



**THE NINTH MEETING OF THE THIRD BOARD OF DIRECTORS OF DURHAM COLLEGE STUDENTS  
INCORPORATED**

**DECEMBER 2, 2019 at 5:00 p.m.**

**WHITBY ADMINISTRATIVE BOARD ROOM, ROOM 123, 1610 CHAMPLAIN AVE, WHITBY, ONTARIO**

**BOARD DINNER, 6:30 P.M. BATON ROUGE, 25 CONSUMERS DR UNIT 2, WHITBY, ON L1N 9S2.**

**(call in available please contact Charles Wilson)**

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1. Call to Order
  
2. Welcome to the Whitby Campus  
R. Milburn  
Principal Whitby Campus
  
3. Adoption of the Agenda

***RESOLUTION 2019-09-01***

***That the Agenda for the Ninth Meeting of the Board of Directors of Durham College Students Incorporated be adopted.***

4. Declaration of Conflict of Interest
  
5. Minutes of the previous meeting

***RESOLUTION 2019-09-02***

***That the minutes of the eighth meeting of the Board of Directors held on November 18, 2019 be adopted.***

6. Delegations/Presentations

***RESOLUTION 2019-09-03***

***That the Board now proceeds to a Committee of the Whole and notwithstanding the usual practice the Executive Chairperson shall be able to preside during the Committee of the Whole.***

**RECOMMENDATION CW-2019-02-01**

***That this Committee takes note of the Student Code of Conduct policy.***

Witness: L. Romao-Vandepol

**RECOMMENDATION CW-2019-02-02**

***That this Committee rises and reports.***

7. Motions

**RESOLUTION 2019-09-04**

***That \_\_\_\_\_, and \_\_\_\_\_ be appointed as directors to the Elections Committee and Elections Compliance Oversight Committee.***

8. General Manager's Report

9. Senior Manager Reports

Finance Update

J. Reece

10. Closed Session

**RESOLUTION 2019-09-05**

***That the Board now proceeds to a closed session in accordance with section 4.2 (b) of the Board Procedural Policy to discuss a personal matters about an identifiable individual.***

**RESOLUTION 2019-09-06**

***That the Board now resumes an open session.***

11. Statements or Questions by Members

12. Next Meeting

13. Adjournment

**RESOLUTION 2019-09-05**

***That the board do now adjourn to ---- or to the call of the chair.***



**DURHAM COLLEGE STUDENTS INCORPORATED  
BOARD OF DIRECTORS MEETING MINUTES  
November 18, 2019**

***The eighth meeting of the Third Board of Directors of the Durham College Students Incorporated met on November 18, 2019 at 6:00 p.m.***

**Second Board of Directors**

Present:

Director Eduardo Akeson  
Director Daniel Keating  
Director Harmanjit Pixie Kaur  
Director Mariam Asif  
Director Johan Tobias  
Director Quinn Walters  
Director Jane Dimitriou-Currie

(Non Voting)

Chairperson Natalie Bartley  
General Manager Faris Lehn  
Secretary of the Board Charles Wilson

Regrets:

Director Matthew Givans  
Director Keeshon Bonterre

**CALL TO ORDER**

The Chairperson called the meeting to order at 5:00 p.m.

**ADOPTION OF THE AGENDA**

***RESOLUTION 2019-07-01***

***Moved by: Director Mariam Asif***

***Seconded by: Director Harmanjit Pixie Kaur***

***That the Agenda for the Eight Meeting of the Board of Directors of Durham College Students Incorporated be adopted.***

***RESOLUTION 2019-07-01-A01***

***Moved by: Director Mariam Asif***

***Seconded by: Director Harmanjit Pixie Kaur***

***That the Agenda be amended to add the supplemental agenda to be considered in conjunction with R2019-08-01***

***-CARRIED (2019-07-01-A01)***

***The motion was put as amended***

***-Carried (2019-07-01)***

**DECLARATION OF CONFLICT OF INTEREST**

None were declared.

**MINUTES OF THE PREVIOUS MEETING**

***RESOLUTION 2019-07-02***

***Moved by: Director Mariam Asif***

***Seconded by: Director Harmanjit Pixie Kaur***

***That the minutes of the seventh meeting of the Board of Directors held on November 4, 2019 be adopted.***

***-CARRIED (2019-08-02)***

**GENERAL MANAGER'S REPORT**

The General Manager presented his report.

**SENIOR MANAGER REPORTS**

**R-2019-08-01 Capital Renovations to the Student Centre**

***RESOLUTION 2019-08-03***

***Moved by: Director Jane Dimitriou-Currie***

***Seconded by: Director Harmanjit Pixie Kaur***

***That the Board awards the contract for the capital renovations to the Student Centre JW Contracting in accordance RFQ process as outlined in report R2019-08-01.***

***-CARRIED (2019-08-03)\***

**RESOLUTION 2019-08-SU01**

**Moved by: Director Jane Dimitriou-Currie**

**Seconded by: Director Harmanjit Pixie Kaur**

***That the Board grants permission for Resolution 2019-08-02 to be received, read, debated, and disposed of without notice being given in accordance with section 7.2 of the Board Procedural Policy and suspends the necessary rules of order.***

**-CARRIED (2019-08-SU01)**

The Board received the following message from the Management Committee:

The Management Committee recommends to the Board of Directors the expenditure of the corporation's fund under the circumstances, in the manner and for the purposes set out in the measure numbered 2019-08-SU02.

**RESOLUTION 2019-08-SU02**

**Moved by: Director Jane Dimitriou-Currie**

**Seconded by: Director Harmanjit Pixie Kaur**

***That the Board hereby authorises and directs the Management Committee to expend the sum of \$50,000 for the furniture in the Student Centre.***

**-CARRIED (2019-08-SU02)**

**R-2019-08-02 Elections and Referendum Policy**

**RESOLUTION 2019-08-05**

**Moved by: Director Daniel Keating**

**Seconded by: Director Jane Dimtriou-Currie**

***That the Board approves the Elections Policy and the Referendum Policy as contained in report R2019-08-02.***

**-CARRIED (2019-08-05)**

**R-2019-08-03 Other change to the By-Laws**

**RESOLUTION 2019-08-06**

**Moved by: Director Daniel Keating**

**Seconded by: Director Jane Dimtriou-Currie**

***That the Board of Directors with the advice and consent of the Secretary of the Board make an editorial change to by-law 3.2 (vii) to read "The Class F members shall be enrolled in the School of Hospitality and Horticulture Science."***

**-CARRIED (2019-08-06)**

**Standing Committee**

**RESOLUTION 2019-08-07**

**Moved by: Director Jane Dimtriou-Currie**

**Seconded by: Director Daniel Keating**

***That the report of the Meeting of the Standing Committee held on November 6, 2019 be adopted.***

**-CARRIED (2019-08-07)**

**Annual General Meeting Minutes**

**RESOLUTION 2019-08-08**

***Moved by: Director Eduardo Akenson***

***Seconded by: Director Mariam Asif***

***That the Board receives the minutes of the Second Annual General Meeting held November 6, 2019.***

**-CARRIED (2019-08-08)**

**STATEMENTS OR QUESTIONS BY MEMBERS**

Members made statements and asked questions.

**ADJOURNMENT**

**RESOLUTION 2019-08-09**

***Moved by: Director Eduardo Akenson***

***Seconded by: Director Mariam Asif***

***That the board do now adjourn to November 18, 2019 or to the call of the chair.***

**-CARRIED (2019-07-06)**

<b>TYPE:</b>	Administrative
<b>TITLE:</b>	Student Conduct – <a href="#">In Classroom</a>
<b>NO.:</b>	ADMIN-248.1
<b>RESPONSIBILITY:</b>	Vice-President, Student Affairs
<b>APPROVED BY:</b>	Durham College Leadership Team
<b>EFFECTIVE DATE:</b>	October 2019
<b>REVISED DATE(S):</b>	
<b>REVIEW DATE:</b>	September 2021

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## 1. Introduction

~~The success of Durham College students depends on A~~all members of the Durham College (DC) campus community ~~choosing are expected~~ to act responsibly and uphold standards of conduct that form the basis of quality citizenship, which reflects an atmosphere of civility, accountability and respect. Students are expected to conduct themselves in a manner that will not adversely affect the rights of others.

The policy is applied as a primarily educative, ~~rather than exclusively punitive~~ instrument, and is aimed at assisting students to understand the impact of individual behaviour on others so as to prevent future violations. DC promotes students' personal growth, student success and a vibrant campus experience, recognizing the importance of self-regulation and accountability, and whenever possible, resolutions or sanctions focus on helping students learn from their actions.

## 2. Purpose

All members of the DC community have the right to study or work without undue interference. DC is dedicated to contributing to an academic community that is safe, inclusive, and respectful where students develop individually and in concert with their peers and mentors.

The Student Conduct Policy and Procedure ~~document~~ defines the responsibility [that](#) DC students have to respect the well-being, personal worth and dignity of all members of the college community, which includes being mindful of personal well-being and initiating appropriate steps for self-care, self-regulation, and self-referral to seek supports.

This document provides a framework to [respond to and](#) resolve issues when student conduct occurs that is reported [to as](#) negatively impacting or has potential to negatively impact the ~~reputation of~~ the college or to compromise the climate of respect within the college community.

Specifically, the document:

- a) establishes Standards of Student Conduct;

- b) sets out the resolutions or sanctions that may be imposed if these Standards are not met; and
- c) describes the process the College will follow when it is determined that a breach to the Standards of Student Conduct may have occurred;
- e)d) describes the appeal process.

~~B~~We approach breaches to the Standards of Student Conduct are addressed in a phased manner. It is preferable that incidents are resolved informally, thus we will normally begin the process with a Level One Student Conduct Resolution. Should this be unsuccessful, this document outlines proceeding to a Level Two Student Conduct Resolution.

This policy and procedure applies to:

- conduct that occurs when students are participating in any learning experience associated with the college, on- or off-campus, and includes:
  - Classroom, labs, & shops;
  - experiential or work-integrated learning activities; ~~and~~
  - college-sponsored events; ~~and. It extends to other domains such as~~
  - internet forums, electronic communications or other media used for teaching and learning activities.

### 3. Definitions

Refer to [Durham College's Standard Definitions](#).

### 4. Policy statements

~~All campus community members are subject to local municipal, provincial and federal laws. In cases where the college is aware of potential violations of criminal law, the college may refer details of an incident to the appropriate law enforcement partner.~~

Those acting on behalf of the College, ~~do so in~~ applying the principles of natural justice and fairness, act in good faith, and apply their professional discretion with equity on a reasonable basis.

The Office of Campus Safety and Associate Deans have the discretion to identify and analyze the conduct reported, that is contrary to the substance and spirit of this policy, and to categorize behaviour based on the nature of the incident, the severity of the conduct, the pattern of its occurrence and the impact on others. Every student involved in any form of alleged non-academic misconduct will be given an opportunity to present their position to the appropriate College official.



4.1. Standards of Student Conduct include, but are not limited, to the following:

4.1.1. Complying with federal, provincial, and municipal laws and regulations.

~~4.1.1.4.1.2.~~ 4.1.2. Complying with all College ~~and program~~ policies and procedures.

~~4.1.2.4.1.3.~~ 4.1.3. Behaving according to the College's values.

~~4.1.3.4.1.4.~~ 4.1.4. Complying with directions of ~~all~~ny College employees in the proper performance of ~~his or her~~ their duties.

~~4.1.4.4.1.5.~~ 4.1.5. Conducting themselves in a manner that respects the rights, physical and mental well-being, and safety of other students, college employees and visitors to the college and refrain from conduct that endangers their rights, physical and mental well-being, and safety.

~~4.1.5.4.1.6.~~ 4.1.6. Demonstrating personal integrity, professionalism and accountability at all times. This includes refraining from using abusive, harassing or intimidating language in the physical, digital or virtual learning space.

~~4.1.6.4.1.7.~~ 4.1.7. Refraining from making allegations or complaints against other members of the College community that are deemed to be false, frivolous, and vexatious or in bad faith.

~~4.1.7.4.1.8.~~ 4.1.8. Refraining from acts of dishonesty, including but not limited to: misusing college documents or records; representing the college without permission or for purposes not approved by the college; providing false information to any college official, office, or member of the college staff; forgery, alteration or misuse of any college document or record; or deceit with any instrument of identification.

~~4.1.8.4.1.9.~~ 4.1.9. Refraining from any activity that would constitute a breach of privacy.

4.1.10. Refraining from conduct that may:

a) \_\_\_\_\_ damage or destroy property of the College;

b) Damage or destroy property or of others while on campus.,

4.1.11 Refraining from conduct that may create hazardous conditions that put the community at risk.

~~4.1.9. or create hazardous conditions that put the community at risk.~~

~~4.1.10.~~ 4.1.12 Refraining from unauthorized or surreptitious recording and/or dissemination of photographs, video recordings, and/or audio recordings.

- 4.1.11. Refraining from bringing animals on campus that are not registered as service animals.
- 4.1.12. Refraining from bringing any guests to classes or related activities without seeking express permission, at least 24 hours in advance, from the professor.
- 4.1.13. Refraining from retaliating against individuals for participating in proceedings under this policy.
- 4.2. Students who knowingly, reasonably ought to have known, or recklessly breach this policy are subject to sanctions. Sanctions for breaches of this policy shall be based on a progressive discipline approach to encouraging appropriate conduct and shall be commensurate with the nature of the offence. Sanctions shall range from verbal and/or written warnings to dismissal from the College.
- 4.3. Students found alleged to have breached Level 2 of the Standards of Student Conduct have the right to appeal the formal resolution or sanction [MKO1].

4.4. In relation to this policy and procedure, academic schools are responsible for:

4.4.1. Taking immediate action, when informed of a breach to the Standards of Student Conduct, including contacting the Office of Campus Safety, if necessary.

4.4.2. Taking reasonable steps to address student behaviour within an academic setting with the student or group of students involved.

4.4.3. When there is information to demonstrate the need for a more documented follow-up, employees shall inform and involve their Associate Dean.

4.4.4. Ongoing breaches to the Standards of Student Conduct that merit Level Two Student Conduct Resolution, shall be referred to the Office of Campus Safety for assistance in guiding the resolution processes or for immediate action and further investigation, as deemed necessary.

4.4.4.5. In relation to this policy and procedure, the Office of Campus Safety is responsible for:

4.4.1.4.5.1. Taking immediate action, when informed of a Level Two breach to the Standards of Student Conduct, including interim measures, if necessary.

4.4.2.4.5.2. Accepting Incident Reports of Level Two breaches to the Standards of Student Conduct.

4.4.3-4.5.3. \_\_\_\_\_ Initiating the investigation of Level Two breaches to the Standards of Student Conduct and analyzing the conduct reported, that is contrary to the spirit of this policy.

4.4.4-4.5.4. \_\_\_\_\_ Categorizing the conduct or behaviour based on the nature of the incident, the severity of the conduct, the pattern of its occurrence and the impact on others.

4.4.5-4.5.5. \_\_\_\_\_ Documenting and maintaining documents created, in relation to investigations, within the Office of Campus Safety.

4.4.6-4.5.6. \_\_\_\_\_ Making decisions regarding Level Two breaches to the Standards of Student Conduct based on the balance of probabilities that the breach was committed.

4.4.7-4.5.7. \_\_\_\_\_ Investigating allegations of breaches to the Standards of Student Conduct impartially and using the principles of procedural fairness.

4.5.4.6. In relation to this policy and procedure, academic schools are responsible for:

4.5.1-4.6.1. \_\_\_\_\_ Taking immediate action, when informed of a breach to the Standards of Student Conduct, including contacting the Office of Campus Safety, if necessary.

4.5.2-4.6.2. \_\_\_\_\_ Taking reasonable steps to address student behaviour within an academic setting with the student or group of students involved.

4.5.3-4.6.3. \_\_\_\_\_ When there is information to demonstrate the need for a more documented follow-up, employees shall inform and involve their Associate Dean.

4.5.4-4.6.4. \_\_\_\_\_ Ongoing breaches to the Standards of Student Conduct that merit Level Two Student Conduct Resolution, shall be referred to the Office of Campus Safety for assistance in guiding the resolution processes or for immediate action and further investigation, as deemed necessary.

4.6.4.7. Any member of the College community has the right to report a breach to the Standards of Student Conduct without fear of reprisal.

## 5. Procedure

All campus community members have a responsibility to report breaches to the Standards of Student Conduct. The procedure outlined below pertains to the process to be followed by an employee when a breach has been observed and **when no immediate threat or risk to the health and safety of any person is believed to be in jeopardy.**

In the case where an immediate threat is believed to be present, employees shall ~~(need language here)~~. contact Security immediately at extension 2400 or 905.721.3211

Students who observe breaches to the Standards of Student Conduct in the learning environment as described in #2 above, may inform any college employee of an incident, ~~who and they~~ in turn will provide the information to their associate dean or, the Office of Campus Safety, as appropriate. ~~(include Allison's area?)~~.

## 5.1. Level One – Student Conduct Resolution

- 5.1.1. If a student conducts themselves in a manner deemed by a college employee to be disruptive to the learning environment and to be a breach to the Standards of Student Conduct, the employee shall speak to the student to identify the unwelcome behaviour, request the student modify their behaviour or actions to comply with the Standards of Student Conduct, and inform the student of sanctions that may be imposed if conduct is not modified<sup>[MKO2]</sup>.
- 5.1.2. If the student's behaviour is not modified in that instance, the college employee may request the student remove themselves from the classroom, lab, activity or function, in order to mitigate a disruption or obstruction. If the student does not leave the learning environment, the employee may call Campus Security to assist in the student's departure from class.
- 5.1.3. Following this instance of disruptive conduct, the employee will follow up with an email to the student outlining and documenting the discussion and invoking the Student Conduct policy and procedure (see Appendix A for sample email correspondence).
- 5.1.4. If, in a subsequent interaction, the student's inappropriate behaviour or conduct persists, the employee member shall engage the student in another conversation about the behaviour and issue a Student Conduct Alert Form (see Appendix B). This form should be emailed to the student, copied to the appropriate Associate Dean and to the manager, Student Conduct and Campus Investigations.
- 5.1.5. Upon receipt of the email copy of the Student Conduct Alert Form, the Associate Dean (AD) will contact the student and request that the student meet with him or her to address the behaviour that is breaching the Standards of Student Conduct. This meeting should occur as soon as possible and within ~~xx~~ 5 business days of the breach to the Standards of Student Conduct instance. If the student's behaviour ~~was such that necessitated his/her~~ removal of the student from the learning environment, the student will be informed, in this communication from the Associate Dean, that the student~~he/she~~ may not return to class until the meeting with the AD~~is meeting~~ has occurred (see Appendix C for sample email correspondence).
- 5.1.6. In the meeting with the student, the Associate Dean will discuss the conduct the student has displayed, outline how this conduct deviates from the college's Standards of Student Conduct, and inform the student of sanctions that may be imposed if conduct is not modified. The Associate Dean will also inform the student that if behaviour persists, the college will engage Level Two Student Conduct Resolution.

5.1.7. Following the meeting with the student, the Associate Dean will follow up with an email to the student outlining and documenting the discussion and emphasizing that any future instance of disruptive conduct will result in the Level Two Student Conduct Resolution (see Appendix D for sample email correspondence). This email will copy the employee who reported the instance of disruptive student behavior, as well as the manager, Student Conduct and Campus Investigations. (do we also complete a portion of the Student Conduct Alert form at this stage? If so, should we attach this to the email?)

5.1.8. If at any time throughout the Level One Student Conduct Resolution process, the situation represents as an immediate risk of harm to an individual or individuals, Campus Security or 911 should be contacted immediately.

## 5.2. Level Two – Student Conduct Resolution

5.2.1. If following the meeting with the Associate Dean, the student's inappropriate behaviour or conduct persists, the Level Two Student Conduct Resolution process commences. The Associate Dean will forward the completed Student Conduct Alert Form indicating a request for a Level Two Investigation by the manager, Student Conduct and Campus Investigations, or designate. This request can be submitted through email. An Incident Report is completed (see Appendix E) by the employee who witnessed this subsequent breach to the Standards of Student Conduct. The Report is forwarded to the Office of Campus Safety through Security (shouldn't this go to the manager, Student Conduct and Campus Investigations???) and copied to the relevant Associate Dean. (is this submitted in person or via email??)

5.2.2. All Incident Reports The request for a Level Two Investigation shall:

- a. Provide fullest possible disclosure of all information known at the time that of the report request is being submitted.
- b. Be made within 15 business days of the alleged breach to the Standards of Student Conduct being known, except in exceptional circumstances at the discretion of the mManager, Student Conduct and Campus Investigations or designate.

5.3. Following receipt of ~~the Incident Report~~this request, the manager, Student Conduct and Campus Investigations shall initiate a fair and transparent investigation. The investigation will include interviews of the student alleged to have breached the Standards of Conduct, ~~parties concerned~~ and any witnesses who may have information related to the alleged breach to the Standards of Student Conduct, as well as the gathering of other information that may assist in the investigation. The investigation shall commence as soon as possible or within xx-3 business days of receipt of the Incident Report.

5.4. Following completion of the investigation the manager, Student Conduct and Campus Investigations will prepare an Investigative Brief Summary. The Investigative Brief Summary will be shared with the Director, Office of Campus Safety and determination of proceeding <sup>[TL5]</sup>with either an Informal or Formal Resolution will be made. This discussion shall take place within 10 business <sup>[MKO6]</sup>days of receipt of the Incident Report.

#### 5.5. Informal Resolution

5.5.1. In the case of an Informal Resolution, the manager, Student Conduct and Campus Investigations will prepare a written record documenting any of proposed informal resolutions, including referrals to College resources for support or information, and any informal sanctions. This summary will be communicated directly to the student who has allegedly breached the Standards of Student Conduct in person and/or in writing <sup>[MKO7]</sup>.

5.5.2. The manager, Student Conduct and Campus Investigations, or designate, may propose any of the following resolutions or sanctions, or any combination thereof:

- a. Restorative process
- b. No sanction
- c. A verbal or written warning
- d. A written apology
- e. Written Notice of Infraction with restrictions
- f. Restitution
- g. A conduct contract
- h. Probation

No sanction shall be imposed upon a student until an impartial investigation has been conducted into the alleged breach to the Standards of Student Conduct, including a reasonable opportunity for the student who has allegedly breached the Standards to respond to the allegations and to advise the investigator about any relevant influencing mitigations.

5.5.3. Upon receipt of the written record from the manager, Student Conduct and Campus Investigations, the student who has allegedly breached the Standards of Student Conduct, may elect to freely enter into or decline the informal resolution proposal.

a) If the student accepts the Informal Resolution proposal the student acknowledges that the matter is concluded with no option to appeal.

~~5.5.3.b)~~ If the student declines the Informal Resolution proposal, the Formal Resolution process commences. (See 5.5.6)

~~5.5.4. If the student, who has allegedly breached the Standards of Student Conduct, enters into an Informal Resolution, he/she acknowledges that the matter is concluded with no option to appeal.~~

~~5.5.5. If the student, who has allegedly breached the Standards of Student Conduct, declines the Informal Resolution proposal, the Formal Resolution process commences. Is this true?~~

5.5.6. The manager, Student Conduct and Campus Investigations, or designate ~~(or is this the Director of Campus Safety?)~~ will advise the relevant Associate Dean and the employee who filed the Incident Report that action has been taken. Information that is not relevant, pertaining to the actions taken, will remain confidential. In particular, when appropriate, the relevant Associate Dean will be notified when assistance is required in supporting the student, or to assist the College in executing the resolution or sanction based conditions or restrictions<sub>[MKO8]</sub>.

5.5.7. A copy of the resolution will be kept on file in the Office of Campus Safety.

5.5.8. At any time during the informal process, the student, the director, Office of Campus Safety or the manager, Student Conduct and Campus Investigations may refer the matter for Formal Resolution<sub>[MKO9]</sub>.

## 5.6. Formal Resolution

5.6.1. Where the breach to the Standards of Student Conduct cannot be resolved under the criteria of the Informal Process, or the nature of the breach is deemed to warrant it, the breach in conduct will move to the Formal Resolution process.

5.6.2. At all stages of the formal process, the student may choose to have one advisor present<sub>[MKO10]</sub> for proceedings. Advisors shall identify themselves at the beginning of any proceedings. Either the student or the student's advisor (not both) will take the lead in the proceedings and questions may be directed to either<sub>[MKO11]</sub>.



- 5.6.3. The manager, Student Conduct and Campus Investigations will email the student who has allegedly breached the Standards of Student Conduct a written Investigative Summary normally within fifteen (15) business days [MKO12] of the breach of conduct being made and/or their notification of the breach. Where there are extenuating circumstances, as determined by the Office of Campus Safety, that require additional time for the investigation to complete, the student who has allegedly breached the Standards of Student Conduct will be notified in writing of any delay.
- 5.6.4. The manager, Student Conduct and Campus Investigations will ~~refer the breach in conduct~~ submit the an Investigative Report to the Student Conduct Committee for review.
- 5.6.5. The manager, Student Conduct and Campus Investigations, or delegate, will advise the relevant Associate Dean and the employee who filed the Incident Report that action has been taken. Information that is not relevant, pertaining to the actions taken, will remain confidential.
- 5.6.6. The Student Conduct Committee membership will be comprised of:
- a. Chair;
  - b. one Executive Dean;
  - c. one ~~faculty~~ Student Affairs staff member; and
  - d. one student.

These members will be drawn from the Student Conduct Standing Committee.

- 5.6.7. The membership of the Student Conduct Standing Committee Membership shall be comprised of:
- a. **manager, Student Development** – Chair
  - b. three Executive Deans, each identified for a two-year term. Having a roster of representatives on the committee will ensure there are no conflicts of interest and there will be members available to participate on an Appeals Committee if required;
  - c. ~~three Student Affairs representatives and up to three full-time faculty members,~~ each identified for a two-year term. ~~Having a roster of representatives on the committee will ensure there are no conflicts of interest and there will be members available to participate on an Appeals Committee if required;~~
  - e.d. three full time faculty members from different schools, each identified for a two year term; and
  - e. three Student Representatives, to be selected by the Committee from campus wide applications, each identified for a one-year term.

d. Having a roster of representatives on the committee helps ensure there are no conflicts of interest and there will be members available to participate on an Appeals Committee if required

#### 5.7. Formal Resolution Student Conduct Committee Process

- 5.7.1. The student who has allegedly breached the Standards of Student Conduct, shall make themselves available to meet with the Student Conduct Committee within seven business days [MKO13] of receiving the Investigative Summary. The meeting will be scheduled by the Committee Chair.
- 5.7.2. The student will be provided the opportunity to respond to the alleged~~address the~~ breach in the Standards of Student Conduct in person with the Committee.
- 5.7.3. In cases where more than one student is accused, the Committee Chair may decide to hold separate hearings for each student. Regardless of whether hearings are jointly or for each individual accused of a Breach of Standards, each student will have an opportunity to be heard by the Committee.
- 5.7.4. The student is entitled to be accompanied by an advisor[MKO14] at the student's expense. The Committee Chair must be notified a minimum of one full business day (minimum 24 hours[MKO15]) in advance of the hearing if the student intends to bring an advisor and must be provided with the name of the advisor.
- 5.7.5. The Committee will review the Investigative Report, hear from the individual who has filed the Incident Report, the student who has allegedly breached the Standards of Student Conduct, and, where necessary, meet with other interested parties.
- 5.7.6. Upon completion of the Student Conduct Committee's review, the Committee may assign~~propose~~ any of the following resolutions or sanctions, or any combination thereof:
  - a. Dismissal of the matter
  - ~~a.~~b. Deferral of Sanction[MKO16]
  - ~~b.~~c. Loss of campus privileges
  - ~~c.~~d. Restitution for loss or damages
  - e. Community service
  - ~~d.~~f. Timetable adjustments
  - ~~e.~~g. Suspension from one or more College facilities/services
  - ~~f.~~h. Permanent restriction from one or more College facilities/services
  - ~~g.~~i. Suspension from class(es)

- j. Recommendation to the vice president Academic and vice president, Student Affairs for Suspension from the College<sup>[MKO17]</sup>\*
- h.k. Recommendation to the vice president Academic and vice president, Student Affairs for Expulsion from the College\*
- i.l. Timetable adjustments
- j.m. Expulsion from the College <sup>[TL18]</sup>
- k.n. Other sanctions, which are consistent with College policy

~~No sanction shall be imposed upon a student until an impartial investigation has been conducted into the alleged breach to the Standards of Student Conduct, including a reasonable opportunity for the student who has allegedly breached the Standards to respond to the allegations and to advise the investigator about any relevant influencing mitigations.~~

- 5.7.7. The results of the Committee's review and reasons for the decision will be emailed to the student who breached the Standards of Student Conduct within 24 hours of the Committee completing its review and determining outcome[s].
- 5.7.8. A copy of the Committee meeting minutes and the decision of the Committee will be kept on record in a locked file in the Office of Student Affairs.
- 5.7.9. A copy Information about imposed sanctions will be sent in confidence to relevant ~~other~~ administrative units on a need to know basis where those units are involved in assisting the student to execute the sanctions or where the student consents to release the information to assist in a counselling or health related matter.
- 5.7.10. Record of formal Sanction(s) is to be kept on the student's file in the Registrar's Office. Record of formal Sanction(s) will be held intact for two years following the student's last academic activity at Durham College.
- 5.7.11. Other than College expulsion, disciplinary sanctions shall not be made part of the respondent student's permanent academic record or transcript.

## 5.8. Appeal Process

- 5.8.1. A student may appeal a decision of the Student Conduct Committee regarding a breach in the Standards of Student Conduct within seven business days of the written decision being provided.
- 5.8.2. Appeals shall be permitted on the grounds that:
- a) The sanction is unduly harsh or arbitrary or not consistent with precedent, or
  - b) New evidence relevant to the decision is available, but through no fault of the sanctioned student, was not presented at the time of the investigation, or
  - c) There is evidence of procedural irregularity in the investigation of the incident or its disposition.

5.8.3. To commence an appeal, the student must complete and file an Appeal Application (see Appendix E) with the Office of Risk Management and Insurance. Accompanying the Appeal Application the student must provide a letter of explanation outlining the reason for the appeal clearly describing the new information, or evidence of a procedural irregularity, along with all relevant documentation, including the decision of the Student Conduct Committee. This documentation shall be referred to as the Appeal Application Package.

**5.8.4.** Once a complete Appeal Application Package is received, the manager, Risk Management and Insurance, will review the Appeal Application Package.

a) ~~If the grounds for appeal have been met, the appeal will be ; determine if the grounds for an appeal have been presented, and if appropriate\_ forwarded it,~~ as soon as possible, to the office of the vice president, Student Affairs.

~~5.8.4.b) If it is determined that\_ the grounds for an appeal have not been metpresented, the manager, Risk Management and Insurance will ...?respond to the student stating that the grounds have not been met.~~

**5.8.5.** The vice president, Student Affairs will refer the Appeal Application Package to the Chair of the Appeal Committee within 2 businessxx days.

5.8.6. The Appeal Committee will be comprised of:

- a) one Executive Dean (Chair);
- b) ~~one Student Affairs staff member or\_~~ one faculty member; and
- c) one student representative

e) all of whom ~~were~~ not involved in the original hearing and has no conflict of interest with the student who has filed the Appeal Application Package.

5.8.7. An Appeal is not a rehearing. It is a review of the formal hearing by the Appeals Committee.

5.8.8. The Chair of the Appeals Committee will forward the appeal documentation to the members of the committee for review.

a) For appeals related to all sanctions except recommendations for suspension or expulsion, the Appeals Committee members will review the documentation independently and submit their recommendations to the Committee Chair. The majority opinion will decide the outcome of the appeal.

~~5.8.8.b)~~ For appeals related to sanctions of recommendation for suspension or expulsion, the Committee will be convened and much reach a concensus on their decision on the appeal. Does this committee meet? How soon does this committee have to meet?

5.8.9. After review, the Appeals Committee may:

- a) Request that a new Student Conduct Committee be established to hear the case. Members of the new Student Conduct Committee will not be the same members as the first committee. All relevant information will be shared with the new Student Conduct Committee.
- b) Uphold, reduce, increase or dismiss the original resolutions or sanctions.

5.8.10. The Appeals Committee shall render its decision with reasons in writing within (5) five business days<sup>[MKO19]</sup> of the completion of the review. The written decision shall be provided to the Vice-President, Student Affairs, Director of Campus Safety, and/or the school Executive Dean, and/or the Office of Strategic Enrolment Services (Registrar), as required.

5.8.11. The decision of the Appeals Committee is final and binding on all parties, with no further appeal allowed.

## 5.9. Interim Measures

When the Office of Campus Safety deems student conduct to pose an immediate, ongoing or possible risk or disruption to the campus community, an official within that area, acting within the scope of their position, may impose interim measures.

Interim measures are taken in an effort to protect the safety and well-being of campus community members, including the student who has allegedly breached the Standards of Student Conduct, and can include a ban from campus property in full or in part, removal from on-campus activities, removal from ~~or housing~~ campus residence, suspension, and any other necessary exclusions or restrictions prior to the completion of an investigation.

Interim measures are preliminary in nature and are generally in effect until an investigation or hearing has been completed.

Interim measures will be reviewed by the director, Office of Campus Safety every five business days, until the investigation or hearing has been completed. The student who ~~has~~ allegedly breached the Standards of Student Conduct may submit written documentation to the Director containing information they wish to be considered in the review.

The application of interim measures does not imply a finding that the allegations are substantiated.

5.9.1. The Director, Campus Safety or delegate shall:

- a) Without reasonable delay, notify the student who has allegedly breached the Standards of Student Conduct of interim measures and the reasons for them. When possible, interim measures and applicable restrictions from campus will be delivered in person as well as in writing via DCMail.
- b) Advise the student who has allegedly breached the Standards of Student Conduct in writing that any reported breaches of the interim measures may ~~result in added~~ also be subject to sanctions under this policy.
- c) Advise the VP Student Affairs and relevant Associate Dean, or equivalent college official, that interim measures have been invoked

~~5.10. When an Incident Report outlining a breach to the Standards of Student Conduct is submitted, the manager, Student Conduct and Campus Investigations (or designate) will review the allegation and may decline to proceed with an investigation in cases where the resulting opinion is:~~

~~5.10.1. The allegation falls within the jurisdiction of another policy, procedure or regulation and it is more appropriate to proceed under that policy, procedure or regulation;~~

~~5.10.2. The allegation does not constitute a violation of, or is outside the scope of, non-academic misconduct, as defined by the Student Conduct policy and procedure;~~

~~5.10.3. An unreasonable amount of time has elapsed since the alleged incident such that it would preclude resolution of the allegation;~~

~~5.10.4. The allegation has been adequately addressed by another process;~~

~~5.10.5. The allegation could more appropriately be addressed through conflict resolution coaching, mediation, or other non-disciplinary options;~~

~~5.10.6-5.9.2. The allegation is being addressed by another process and it is unreasonable to put the allegation in abeyance pending the outcome of such a process;~~

~~5.11-5.10. In some instances, the alleged actions or comments of a student may violate more than one policy. Where multiple policies apply, the college officials responsible for initiating the processes will confer to determine which policy should be applied, or whether multiple processes are required, and/or which takes precedence. Students may have multiple relationships with Durham College (Ex. students may be in residence or and may also be employed by the college). The circumstances of the complaint will determine which policies shall be applied and in what order. ~~The allegation is deemed trivial, false, frivolous or vexatious.~~~~

~~5.12-5.11. Confidentiality of allegations~~

~~5.12.1-5.11.1. The College expects everyone involved in a breach to the Standards of the Student Conduct process to respect the confidentiality of personal information of individuals.~~

~~5.12.2-5.11.2. Parties and witnesses involved in a breach to the Standards of Student Conduct are expected to refrain from sharing any related information discussed during the course of fact-finding (aside from discussing the information with a personal advisor, close family members/partner).~~



~~5.12.3~~~~5.11.3~~. Unwarranted breaches of confidentiality while a breach to the Standards of Student Conduct is being reviewed by the Office of Campus Safety may result in disciplinary action or sanctions.

~~5.12.4~~~~5.11.4~~. Confidentiality with respect to a breach to the Standards of Student Conduct will be maintained to the greatest extent possible, having regard to the circumstances giving rise to the allegation, and subject to the requirements of the law.

~~5.12.5~~~~5.11.5~~. It should be noted that confidentiality does not mean anonymity.

~~5.12.6~~~~5.11.6~~. If the Office of Campus Safety determines that an investigation is required, the individual who filed the Incident Report will be invited promptly to meet with the investigator/manager, Student Conduct and Campus Investigations to provide a statement detailing specific elements of the complaint. Proper disclosure of the identity of the individual filing the Incident Report may be necessary, including to the student who has allegedly breached the Student Code of Conduct and to witnesses. The Office of Campus Safety will provide the parties involved with regular updates on the progress of the investigation, and notification of final resolution of the complaint.

~~5.12.7~~~~5.11.7~~. Confidentiality with respect to the findings and or sanction will be maintained, except to the extent necessary to implement and or defend, or as required by law.

## **6. Roles and responsibilities**

- 6.1. It is the responsibility of the Vice-Presidents, Academic and Student Affairs to ensure that this policy and procedure is fully implemented.
- 6.2. It is the responsibility of the manager, Student Conduct and Campus Investigations or designate, to evaluate and then respond to the breach in Standards of Student Conduct within a timeframe and in a method appropriate to the situation as stated in this procedure.
- 6.3. It is the responsibility of the manager, Student Conduct and Campus Investigations, or designate, to notify students, in writing, of any interim conditions based on the alleged breach of conduct.
- 6.4. It is the responsibility of the director, Office of Campus Safety to document incidents, as appropriate.
- 6.5. It is the responsibility of the student who has allegedly breached the Standards of Student Conduct to make themselves available for a meeting with the manager, Student Conduct and Campus Investigations, or designate, within three days of being notified of the alleged breach of conduct, and to provide any additional information that might inform the situation.

6.6. It is the responsibility of the **Student Conduct Committee Chair** to schedule a hearing to review cases of non-academic misconduct resulting in a formal process.

~~6.6.~~ It is the responsibility of Student Conduct Committee members to participate in mandatory training, to be available for hearings as required and to maintain the confidentiality of the process.

~~6.7.~~ If a student is sanctioned for violations of the Student Conduct policy and procedure and wishes to appeal the decision, it is said student's responsibility to initiate an appeal with five (5) business days of the written decision being provided.

6.8. The director, Student Diversity, Inclusion and Transitions will serve as a Human Rights Advisor for all students on campus

## **7. Accessibility for Ontarians with Disabilities Act considerations**

Accessibility for Ontarians with Disabilities Act (AODA) standards have been considered in the development of this policy and procedure and it adheres to the principles outlined in the College's commitment to accessibility as demonstrated by the Accessibility Plan (ADMIN-203).

## **8. Non-compliance implications**

Non-compliance with this policy may place students at risk, impact the learning environment and/or result in a sanction.

## **9. Communications plan**

- A message will be posted on ICE alerting employees when new or revised policies and procedures are added to ICE.
- A message will be posted on MyCampus alerting students when new or revised policies and procedures are added.

## **10. Related forms, legislation or external resources**

- Ontario Human Rights Code

[AODA](#)

[Sexual Violence Policy](#)

[Use of IT Policy](#)

<b>TYPE:</b>	Administrative
<b>TITLE:</b>	Student Conduct – <del>In-Outside</del> Classroom/ <u>Learning environment</u>
<b>NO.:</b>	ADMIN-248- <del>4</del>
<b>RESPONSIBILITY:</b>	Vice-President, Student Affairs
<b>APPROVED BY:</b>	Durham College Leadership Team
<b>EFFECTIVE DATE:</b>	October 2019
<b>REVISED DATE(S):</b>	
<b>REVIEW DATE:</b>	September 2021

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## 1. Introduction

The success of Durham College students depends on Aall members of the Durham College (DC) campus community ~~are expected~~choosing to act responsibly and uphold standards of conduct that form the basis of quality citizenship, which reflects an atmosphere of civility, accountability and respect. Students are expected to conduct themselves in a manner that will not adversely affect the rights of others.

The policy is applied as a primarily educative, ~~rather than exclusively punitive~~ instrument, and is aimed at assisting students to understand the impact of individual behaviour on others so as to prevent future violations. DC promotes students' personal growth, student success and a vibrant campus experience, recognizing the importance of self-regulation and accountability, and whenever possible, resolutions or sanctions focus on helping students learn from their actions.

## 2. Purpose

All members of the DC community have the right to study or work without undue interference. DC is dedicated to contributing to an academic community that is safe, inclusive, and respectful where students develop individually and in concert with their peers and mentors.

The Student Conduct Policy and Procedure ~~document~~ defines the responsibility that DC students have to respect the well-being, personal worth and dignity of all members of the college community, which includes being mindful of personal well-being and initiating appropriate steps for self-care, self-regulation, and self-referral to seek supports.

This document provides a framework to respond to and resolve issues when student conduct occurs that is reported to as negatively impacting or has potential to negatively impact the reputation of the college or to compromise the climate of respect within the college community.

Specifically, the document:

- a) establishes Standards of Student Conduct;

- b) sets out the resolutions or sanctions that may be imposed if these Standards are not met; ~~and~~
- c) describes the process the College will follow when it is determined that a breach to the Standards of Student Conduct may have occurred; ~~and-~~
- e)d) Describes the appeal process.

~~We approach b~~Breaches to the Standards of Student Conduct are addressed in a phased manner. It is preferable that incidents are resolved informally, thus we will normally begin the process with a Level One Student Conduct Resolution. Should this be unsuccessful, this document outlines proceeding to a Level Two Student Conduct Resolution.

This policy and procedure applies to:

- ~~conduct that occurs on campus when students are participating in any learning experience associated with the college, on or off campus, and includes experiential or work integrated learning activities, and college sponsored events. It extends to other domains such as internet forums, electronic communications or other media in all contexts other than a formal learning environment as described in the Policy on Student Conduct in the Classroom/Learning Environment [or in the section of this policy related to classroom/learning environment depending on approach that is taken to have one or two policies.]~~
- Conduct that occurs off campus at a Durham College sanctioned event or activity.
- Conduct that occurs on-line between members of the Durham College community.

### 3. Definitions

Refer to [Durham College's Standard Definitions](#).

### 4. Policy statements

Those acting on behalf of the College, ~~do so in~~ applying the principles of natural justice and fairness, act in good faith, and apply their professional discretion with equity on a reasonable basis.

The Office of Campus Safety ~~and Associate Deans have has~~ the discretion to identify and analyze the conduct reported, that is contrary to the substance and spirit of this policy, and to categorize behaviour based on the nature of the incident, the severity of the conduct, the pattern of its occurrence and the impact on others. Every student involved in any form of alleged non-academic misconduct will be given an opportunity to present their position to the appropriate College official.

- 4.1. Standards of Student Conduct include, but are not limited, to the following:
  - 4.1.1. Complying with federal, provincial, and municipal laws and regulations.
  - 4.1.2. Complying with all College ~~and program~~ policies and procedures.
  - 4.1.3. Behaving according to the College's values.
  - 4.1.4. Complying with directions of any College employees in the proper performance of ~~theirhis or her~~ duties.
  - 4.1.5. Conducting themselves in a manner that respects the rights, physical and mental well-being, and safety of other students, college employees and visitors to the college and refrain from conduct that endangers their rights, physical and mental well-being, and safety.
  - 4.1.6. Demonstrating personal integrity, professionalism and accountability at all times. This includes refraining from using abusive, harassing or intimidating language in the physical, digital or virtual learning space.
  - 4.1.7. Refraining from making allegations or complaints against other members of the College community that are deemed to be false, frivolous, and vexatious or in bad faith.
  - 4.1.8. Refraining from acts of dishonesty, including but not limited to: misusing college documents or records; representing the college without permission or for purposes not approved by the college; providing false information to any college official, office, or member of the college staff; forgery, alteration or misuse of any college document or record; or deceit with any instrument of identification.
  - 4.1.9. Refraining from any activity that would constitute a breach of privacy.
  - ~~4.1.10.~~ Refraining from conduct that may damage or destroy property of the College or of others.
  - ~~4.1.10.~~ ~~4.1.11.~~ Refraining from conduct that may, ~~or~~ create hazardous conditions that put the community at risk.
  - ~~4.1.11.~~ ~~4.1.12.~~ Refraining from unauthorized or surreptitious recording and/or dissemination of photographs, video recordings, and/or audio recordings.
  - ~~4.1.12.~~ ~~4.1.13.~~ Refraining from bringing animals on campus that are not registered as service animals.
  - ~~4.1.13.~~ ~~4.1.14.~~ Refraining from bringing any guests to classes or related activities without seeking express permission, at least 24 hours in advance, from the professor.

~~4.1.14.4.1.15.~~ Refraining from retaliating against individuals for participating in proceedings under this policy.

4.2. Students who knowingly, reasonably ought to have known, or recklessly breach this policy are subject to sanctions. Sanctions for breaches of this policy shall be based on a progressive developmental discipline approach to encouraging appropriate conduct and shall be commensurate with the nature of the offence. Sanctions shall range from verbal and/or written warnings to dismissal from the College.

4.3. Students foundalleged to have breached the Standards of Student Conduct have the right to appeal the formal resolution or sanction.

4.4. In relation to this policy and procedure, the Office of Campus Safety is responsible for:

~~4.4.1. Accepting Incident Reports of breaches to the Standards of Student Conduct~~

~~4.4.2. Taking immediate action, when informed of a Level One report when informed of an alleged breach concerning the allegations of a breach to of the Standards of Student Conduct, including imposing "interim measures", as necessary. ;~~

~~4.4.1. Taking immediate action, when informed of a Level Two breach to the Standards of Student Conduct, including interim measures, if necessary.~~

~~4.4.2.4.4.3. Accepting Incident Reports of Level Two breaches to the Standards of Student Conduct.~~

~~4.4.3.4.4.4. Initiating the investigation of Level Two\_ breaches to the Standards of Student Conduct and analyzing the conduct reported, that is contrary to the spirit of this policy.~~

~~4.4.4.4.4.5. Categorizing the conduct or behaviour based on the nature of the incident, the severity of the conduct, the pattern of its occurrence and the impact on others.~~

~~4.4.5.4.4.6. Documenting and maintaining documents created, in relation to investigations, within the Office of Campus Safety.~~

~~4.4.6.4.4.7. Making decisions regarding Level Two\_ breaches to the Standards of Student Conduct based on the balance of probabilities that the breach was committed.~~

~~4.4.7.4.4.8. Investigating allegations of breaches to the Standards of Student Conduct impartially and using the principles of procedural fairness.~~

~~4.5. In relation to this policy and procedure, academic schools are responsible for:~~

~~4.5.1. Taking immediate action, when informed of a breach to the Standards of Student Conduct, including contacting the Office of Campus Safety, if necessary.~~

~~4.5.2. Taking reasonable steps to address student behaviour within an academic setting with the student or group of students involved.~~

~~4.5.3. When there is information to demonstrate the need for a more documented follow-up, employees shall inform and involve their Associate Dean.~~

~~4.5.4.4.9. Ongoing breaches to the Standards of Student Conduct that merit Level Two Student Conduct Resolution, shall be referred to the Office of Campus Safety for assistance in guiding the resolution processes or for immediate action and further investigation, as deemed necessary.~~

~~4.6.4.5. Any member of the College community has the right to report a breach to the Standards of Student Conduct without fear of reprisal.~~

## 5. Procedure

All campus community members have a responsibility to report breaches to the Standards of Student Conduct. The procedure outlined below pertains to the process to be followed by an employee when a breach has been observed and when no immediate threat or risk to the health and safety of any person is believed to be in jeopardy.

In the case where an immediate threat is believed to be present, employees shall contact Security immediately at extension 2400 or 905.721.3211

~~Students who observe breaches to the Standards of Student Conduct may inform any college employee of an incident, and they in turn will provide the information to their associate dean, the Office of Campus Safety, as appropriate.~~

Faculty, staff, students and visitors to Durham College who have reason to believe that an individual(s) has engaged in behaviour that would constitute a breach of this policy shall submit an incident report to the Office of Campus Safety through Security.

All reports shall:

a) Be made in writing or in person at the Security Desk (Note: if this creates confidentiality issues, the student may call the Security Desk to make alternative arrangements).

b) Provide fullest possible disclosure of all information known at the time of the report being submitted.



c) Be made within 15 (fifteen) business days [MKO2] of the alleged non-academic misconduct being known, except in exigent circumstances at the discretion of the Manager, Student Conduct and Campus Investigations or designate.

## 5.1. Level One – Student Conduct Resolution

5.1.1. Upon receipt of an Incident Report that alleges a student(s) has conducted themselves in a manner deemed by the Office of Campus Safety (OCS) to be:

a) -either a low severity breach of the Standards of Student Conduct, or does not constitute a violation,- the OCS will contact the student in writing by email via DCMail. This correspondence will contain a copy of the Student Conduct Policy and a Letter of Expectation (See section 5.1.2) that will inform the student of the incident report and alleged unwelcome behaviour

b) er is outside the scope of the Student Conduct Policy, the OCS will refer the Incident Report to the appropriate college department for consideration and will contact the student in writing by email via DCMail to inform the student of this action

5.1.2. The intention of the Letter of Expectation is a non-punitive and informal resolution to create through awareness of expectations that college community members will treat each other with respect, and transact in a way that does not adversely affect the rights of others. The intention of a Level One Resolution is to contribute to an atmosphere where students can learn in a positive and professional environment.

5.1.3. Both the individual filing the incident report and the student in receipt of the Letter of Expectation will be advised that the matter is concluded, and in the absence of an escalation of events and/or subsequent incident reports requiring a Level Two Resolution, there will be no further action taken by the Office of Campus Safety.

5.1.4. If at any time throughout the Level One Student Conduct Resolution process, the situation represents as an immediate risk of harm to an individual or individuals, Campus Security should be contacted immediately.



## 5.2. Level Two – Student Conduct Resolution

~~Upon receipt of an Incident Report that alleges a student(s) has conducted themselves in a manner deemed by the Office of Campus Safety (OCS) to be a breach of the Standards of Student Conduct, the manager, Student Conduct and Campus Investigations or designate will be notified.~~

5.3. Following receipt of ~~an~~this Incident ~~R~~Report, ~~of a Level Two breach of the Standards of Student Conduct,~~ the manager, Student Conduct and Campus Investigations or designate shall initiate a fair and transparent investigation. The investigation will include interviews of the parties concerned and any witnesses who may have information related to the alleged breach to the Standards of Student Conduct, as well as the gathering of other information that may assist in the investigation. The investigation shall commence as soon as possible or **within** 3 business days of receipt of the Incident Report.

5.4. Following completion of the investigation the manager, Student Conduct and Campus Investigations will prepare an Investigative Summary. The Investigative Summary will be shared with the Director, Office of Campus Safety and determination of ~~proceeding~~ proceeding ~~[TL3]~~ with either an Informal or Formal Resolution will be made. This discussion shall take place within 10 business days ~~[MKO4]~~ of receipt of the Incident Report.

## 5.5. Informal Resolution

5.5.1. ~~A~~In the case of an Informal Resolution, the manager, Student Conduct and Campus Investigations will prepare a written record ~~of documenting~~ any proposed informal resolutions, including referrals to College resources for support or information, and any informal sanctions. This summary will be communicated directly to the student who has ~~allegedly~~ breached the Standards of Student Conduct in person and/or in writing.

5.5.2. The manager, Student Conduct and Campus Investigations, or designate, may propose any of the following resolutions or sanctions, or any combination thereof:

- a. Restorative process
- b. No sanction
- c. A verbal or written warning
- d. A written apology
- e. Written Notice of Infraction with restrictions
- f. Restitution
- g. A conduct contract

#### h. Probation

No sanction shall be imposed upon a student until an impartial investigation has been conducted into the alleged breach to the Standards of Student Conduct, including a reasonable opportunity for the student who has allegedly breached the Standards to respond to the allegations and to advise the investigator about any relevant influencing mitigations.

5.5.3. Upon receipt of the written record from the manager, Student Conduct and Campus Investigations, the student who has allegedly breached the Standards of Student Conduct, may elect to freely enter into or decline the informal resolution proposal.

5.5.4. If the student, who has allegedly<sup>[MK05]</sup> breached the Standards of Student Conduct, enters into an Informal Resolution, he/she acknowledges that the matter is concluded with no option to appeal.

At any time during the informal process, the student, the director, Office of Campus Safety or the manager, Student Conduct and Campus Investigations may refer the matter for Formal Resolution

5.5.5. A copy of the resolution will be kept on file in the Office of Campus Safety.

5.5.6. At any time during the informal process, the student, the director, Office of Campus Safety or the manager, Student Conduct and Campus Investigations may refer the matter for Formal Resolution.

5.5.7. The manager, Student Conduct and Campus Investigations, or designate will advise the complainant of the alleged misconduct by email advising when the allegations have been resolved. Information that is not relevant, pertaining to the actions taken, will remain confidential.

5.5.4.

~~5.5.5-5.5.8.~~ If the student, who has allegedly breached the Standards of Student Conduct, declines the Informal Resolution proposal, the Formal Resolution process commences.

~~5.5.6-5.5.9.~~ The manager, Student Conduct and Campus Investigations, or designate will advise the complainant of the alleged misconduct by email advising when the allegations have been resolved. Information that is not relevant, pertaining to the actions taken, will remain confidential.

~~5.5.7-5.5.10.~~

## 5.6. Formal Resolution

5.6.1. Where the breach to the Standards of Student Conduct cannot be resolved under the criteria of the Informal Process, or the nature of the breach is deemed to warrant it, the breach in conduct will move to the Formal Resolution process.

~~5.6.2.~~

5.6.2. The manager, Student Conduct and Campus Investigations will email the student who has allegedly breached the Standards of Student Conduct a written Investigative Summary normally within fifteen (15) business days of the breach of conduct being made and/or their notification of the breach. Where there are extenuating circumstances, as determined by the Office of Campus Safety, that require additional time for the investigation to complete, the student who has allegedly breached the Standards of Student Conduct will be notified in writing of any delay.

5.6.3. At all stages of the formal process, the student may choose to have one advisor present for proceedings. Advisors shall identify themselves at the beginning of any proceedings. Either the student or the student's advisor (not both) will take the lead in the proceedings.

~~5.6.4-5.6.3.~~ The manager, Student Conduct and Campus Investigations will submit an Investigative Report to the Student Conduct Committee for review.

~~5.6.5-5.6.4.~~ The manager, Student Conduct and Campus Investigations, or delegate, will advise the relevant Associate Dean and the employee/complainant who filed the Incident Report that action has been taken. Information that is not relevant, pertaining to the actions taken, will remain confidential.

~~5.6.6-5.6.5.~~ The Student Conduct Committee membership will be comprised of:

- a. Chair:
- b. one Executive Dean;

- c. one Student Affairs staff member; and
- d. one student.

These members will be drawn from the Student Conduct Standing Committee.

~~5.6.7.~~5.6.6. The membership of the Student Conduct Standing Committee Membership shall be comprised of:

- a. **manager, Student Development** – Chair
- b. three Executive Deans, each identified for a two-year term. Having a roster of representatives on the committee will ensure there are no conflicts of interest and there will be members available to participate on an Appeals Committee if required;
- c. three Student Affairs representatives ~~and up to three full-time faculty members,~~ each identified for a two-year term. Having a roster of representatives on the committee will ensure there are no conflicts of interest and there will be members available to participate on an Appeals Committee if required; and
- d. three Student Representatives, to be selected by the Durham College Students Inc (DCSI) Committee from campus wide applications, each identified for a one-year term.

## 5.7. Formal Resolution Student Conduct Committee Process

- 5.7.1. The student who has allegedly breached the Standards of Student Conduct, shall make themselves available to meet with the Student Conduct Committee within seven business days of receiving the Investigative Summary. The meeting will be scheduled by the Committee Chair.
- 5.7.2. The student will be provided the opportunity to respond to the alleged address the breach in the Standards of Student Conduct in person with the Committee.
- 5.7.3. In cases where more than one student is accused, the Committee Chair may decide to hold separate hearings for each student. Regardless, each student accused of a breach will have an opportunity to be heard by the Committee.
- 5.7.4. The student is entitled to be accompanied by an advisor at the student's expense. The Committee Chair must be notified a minimum of one business day in advance of the hearing if the student intends to bring an advisor and must be provided with the name of the advisor.
- 5.7.5. The Committee will review the Investigative Report, hear from the individual who has filed the Incident Report, the student who has allegedly breached the Standards of Student Conduct, and, where necessary, meet with other interested parties.
- 5.7.6. Upon completion of the Student Conduct Committee's review, the Committee may propose any of the following resolutions or sanctions, or any combination thereof:
  - a. Deferral of Sanction
  - b. Loss of privileges
  - c. Restitution
  - d. Community service
  - ~~d-e.~~ Timetable adjustments
  - ~~e-f.~~ Suspension from one or more College facilities/services
  - ~~f-g.~~ Permanent restriction from one or more College facilities/services
  - ~~g-h.~~ Suspension from class(s)
  - ~~h-i.~~ Recommendation to the vice president Academic and vice president Student Affairs for Suspension from the College for a specified period of time.
  - ~~i.~~ Timetable adjustments
  - j. Recommendation to the vice president Academic and vice president Student Affairs for Expulsion from the College
  - k. Other sanctions, which are consistent with College policy

~~No sanction shall be imposed upon a student until an impartial investigation has been conducted into the alleged breach to the Standards of Student Conduct, including a reasonable opportunity for the student who has allegedly breached the Standards to respond to the allegations and to advise the investigator about any relevant influencing mitigations.~~

- 5.7.7. The results of the Committee's review and reasons for the decision will be emailed to the student who breached the Standards of Student Conduct.
- 5.7.8. A copy of the minutes of the Committee hearing and the outcome decision will be kept on file in the Office of Student Affairs.
- 5.7.9. Information about the imposed sanctions ~~A copy~~ will be sent in confidence to relevant~~other~~ administrative units on a need to know basis where those units are involved in assisting the student to execute the sanctions or where the student consents to release the information to assist in a counselling or health related matter.
- 5.7.10. Record of formal Sanction(s) is to be kept on the student's file in Strategic Enrolment Services~~the Registrar's Office~~. Record of formal Sanction(s) will be held intact for two years following the student's last academic activity at Durham College.
- 5.7.11. Other than College expulsion, disciplinary sanctions shall not be made part of the respondent student's permanent academic record or transcript.

## 5.8. Appeal Process

- 5.8.1. A student may appeal a decision of the Student Conduct Committee regarding a breach in the Standards of Student Conduct within seven business days of the written decision being provided.
- 5.8.2. Appeals shall be permitted on the grounds that:
  - a) The sanction is unduly harsh or arbitrary or not consistent with precedent, or
  - b) New evidence relevant to the decision is available, but through no fault of the sanctioned student, was not presented at the time of the investigation, or
  - c) There is evidence of procedural irregularity in the investigation of the incident or its disposition.

5.8.3. To commence an appeal, the student must complete and file an Appeal Application (see Appendix E) with the Office of Risk Management and Insurance. Accompanying the Appeal Application the student must provide a letter of explanation outlining the reason for the appeal clearly describing the new information, or evidence of a procedural irregularity, along with all relevant documentation, including the decision of the Student Conduct Committee. This documentation shall be referred to as the Appeal Application Package.

5.8.4. Once a complete Appeal Application Package is received, the manager, Risk Management and Insurance, will review the Appeal Application Package.

a) If the grounds for appeal have been met, the appeal will be forwarded as soon as possible, to the office of the vice president, Student Affairs.

b) If the grounds for an appeal have not been met, the manager, Risk Management and Insurance will respond to the student stating that the grounds have not been met.

5.8.5. The vice president, Student Affairs will refer the Appeal Application Package to the Chair of the Appeal Committee within 2 business days.

5.8.6. The Appeal Committee will be comprised of:

- a) one Executive Dean (Chair);
- b) one faculty member; and
- c) one student representative

all of whom were not involved in the original hearing and have no conflict of interest with the student who has filed the Appeal Application Package.

5.8.7. An Appeal is not a rehearing. It is a review of the formal hearing by the Appeals Committee.

5.8.8. The Chair of the Appeals Committee will forward the appeal documentation to the members of the committee for review.

a) For appeals related to all sanctions except recommendations for suspension or expulsion, the Appeals Committee members will review the documentation independently and submit their recommendations to the Committee Chair. The majority opinion will decide the outcome of the appeal.

5.8.9. For appeals related to sanctions of recommendation for suspension or expulsion, the Committee will be convened and must reach a consensus on their decision on the appeal. After review, the Appeals Committee may:

a) Request that a new Student Conduct Committee be established to hear the case. Members of the new Student Conduct Committee will not be the same members as the first committee. All relevant information will be shared with the new Student Conduct Committee.

b) Uphold, reduce, increase or dismiss the original resolutions or sanctions.

5.8.10. The Appeals Committee shall render its decision with reasons in writing within (5) five business days of the completion of the review. The written decision shall be provided to the Vice-President, Student Affairs, Director of Campus Safety, and/or the school Executive Dean, and/or the Office of Strategic Enrolment Services (Registrar), as required.

5.8.11. The decision of the Appeals Committee is final and binding on all parties, with no further appeal allowed.

5.9.

5.8.

5.8.1.

~~5.8.2-5.9.1.~~ The Appeal Committee will be comprised of:

- a) one Executive Dean (Chair);
- b) one Student Affairs staff member or one faculty member; and
- c) one student representative who was not involved in the original hearing and has no conflict of interest with the student who has filed the Appeal Application Package.



#### 5.9.5.10. Interim Measures

When the Office of Campus Safety deems student conduct to pose an immediate, ongoing or possible risk or disruption to the campus community, an official within that area, acting within the scope of their position, may impose interim measures.

Interim measures are taken in an effort to protect the safety and well-being of campus community members, including the student who has allegedly breached the Standards of Student Conduct, and can include a ban from campus property in full or in part, removal from on-campus activities, removal from ~~or~~ housing, suspension, and any other necessary exclusions or restrictions prior to the completion of an investigation.

Interim measures are preliminary in nature and are generally in effect until an investigation or hearing has been completed.

Interim measures will be reviewed by the director, Office of Campus Safety every five business days, until the investigation or hearing has been completed. The student who ~~has~~ allegedly breached the Standards of Student Conduct may submit written documentation to the Director containing information they wish to be considered in the review.

The application of interim measures does not imply a finding that the allegations are substantiated.

#### 5.9.4.5.10.1. The Director, Campus Safety or delegate shall:

- a) Without reasonable delay, notify the student who has allegedly breached the Standards of Student Conduct of interim measures and the reasons for them. When possible, interim measures and applicable restrictions from campus will be delivered in person as well as in writing via DCMail.
- b) Advise the student who has allegedly breached the Standards of Student Conduct in writing that any reported breaches of the interim measures may result in added also subject to sanctions.
- c) Advise the VP Student Affairs and relevant Associate Dean, or equivalent college official, that interim measures have been invoked

5.9.2.5.10.2.

5.10.5.11. In some instances, the alleged actions or comments of a student may violate more than one policy. Where multiple policies apply, the college officials responsible for initiating the processes will confer to determine which policy should be applied, or whether multiple processes are required, or which takes precedence. Students may have multiple relationships with Durham College (students may be in residence and also employed by the college). The circumstances of the complaint will determine which policies shall be applied and in what order. ~~The allegation is deemed trivial, false, frivolous or vexatious.~~

5.11.5.12. Confidentiality of allegations

5.11.1.5.12.1. The College expects everyone involved in ~~a breach to~~ the Standards of Student Conduct process to respect the confidentiality of personal information of individuals.

5.11.2.5.12.2. Parties and witnesses involved in a breach to the Standards of Student Conduct are expected to refrain from sharing any related information discussed during the course of fact-finding (aside from discussing the information with a personal advisor, close family members/partner).

5.11.3.5.12.3. Unwarranted breaches of confidentiality while a breach to the Standards of Student Conduct is being reviewed by the Office of Campus Safety may result in disciplinary action or sanctions.

5.11.4.5.12.4. Confidentiality with respect to a breach to the Standards of Student Conduct will be maintained to the greatest extent possible, having regard to the circumstances giving rise to the allegation, and subject to the requirements of the law.

5.11.5.5.12.5. It should be noted that confidentiality does not mean anonymity.

5.11.6.5.12.6. If the Office of Campus Safety determines that an investigation is required, the individual who filed the Incident Report will be invited promptly to meet with the investigator/manager, Student Conduct and Campus Investigations to provide a statement detailing specific elements of the complaint. Proper disclosure of the identity of the individual filing the Incident Report may be necessary, including to the student who has allegedly breached the Student Code of Conduct and to witnesses. The Office of Campus Safety will provide the parties involved with regular updates on the progress of the investigation, and notification of final resolution of the complaint.

5.11.7.5.12.7. Confidentiality with respect to the findings and or sanction will be maintained, except to the extent necessary to implement and or defend, or as required by law.

## 6. Roles and responsibilities

- 6.1. It is the responsibility of the Vice-Presidents, Academic and Student Affairs to ensure that this policy and procedure is fully implemented.
- 6.2. It is the responsibility of the manager, Student Conduct and Campus Investigations or designate, to evaluate and then respond to the breach in Standards of Student Conduct within a timeframe and in a method appropriate to the situation as stated in this procedure.
- 6.3. It is the responsibility of the manager, Student Conduct and Campus Investigations, or designate, to notify students, in writing, of any interim conditions based on the alleged breach of conduct.
- 6.4. It is the responsibility of the director, Office of Campus Safety to document incidents, as appropriate.
- 6.5. It is the responsibility of the student who has allegedly breached the Standards of Student Conduct to make themselves available for a meeting with the manager, Student Conduct and Campus Investigations, or designate, within three days of being notified of the alleged breach of conduct, and to provide any additional information that might inform the situation.
- 6.6. It is the responsibility of the **Student Conduct Committee Chair** to schedule a hearing to review cases of non-academic misconduct resulting in a formal process.
- 6.7. It is the responsibility of the Conduct Committee members to participate in training, to be available for hearings as required and to maintain confidentiality. If a student is sanctioned for violations of the Student Conduct policy and procedure and wishes to appeal the decision, it is said student's responsibility to initiate an appeal with five (5) business days of the written decision being provided.
- 6.8. The director, Student Diversity, Inclusion and Transitions will serve as a Human Rights Advisor for all students on campus

## 7. Accessibility for Ontarians with Disabilities Act considerations

Accessibility for Ontarians with Disabilities Act (AODA) standards have been considered in the development of this policy and procedure and it adheres to the principles outlined in the College's commitment to accessibility as demonstrated by the Accessibility Plan (ADMIN-203).

## 8. Non-compliance implications

Non-compliance with this policy may place students at risk, impact the learning environment and/or result in a sanction.

## **9. Communications plan**

- A message will be posted on ICE alerting employees when new or revised policies and procedures are added to ICE.
- A message will be posted on MyCampus alerting students when new or revised policies and procedures are added.

## **10. Related forms, legislation or external resources**

- Ontario Human Rights Code

## **Elections Committee and the Elections Compliance Oversight Committee**

Durham College Students Inc. is currently seeking applications for two board members of the Elections Committee and the Elections Compliance Oversight Committee. This is a joint appointment for a term of January 15<sup>th</sup> to April 30<sup>th</sup>.

The role of the Elections Committee is:

- Act autonomously from any external or internal influences;
- Oversee the planning, development and execution of the Corporation's elections in accordance with the provisions of this Policy;
- Develop, maintain and make public a clear set of criteria and considerations to be used by the Elections Committee when making decisions relating to elections;
- Act impartially during the election process;
- Conduct the election in a fair manner;
- Meet regularly during to plan and discuss the upcoming election; and
- Supervise, consult, assist, advise and caution the CRO as necessary.

The role of the Elections Compliance Oversight Committee is to hear appeals of the decision of the Chief Returning Officer in accordance with *the Elections Policy* and *the Referendum Policy*.

Members of the Committees are expected to remain impartial during the elections process and not run, endorse, or campaign for candidates during the election.

It is expected that the Elections Committee will meet at least four times during the Elections Process including a training meeting which will occur early in January.

The Elections Compliance Oversight Committee will meet for a training in early January and then meet as needed thereafter.

The election of the members will take place at the Board Meeting on December 2, 2019.