

TYPE:	Administrative
TITLE:	Student Conduct
NO.:	ADMIN-248
RESPONSIBILITY:	Vice President, Academic and Students; Vice President, Strategic Infrastructure and Campus Safety
APPROVED BY:	Durham College Leadership Team
EFFECTIVE DATE:	November 2024

1. Introduction

Durham College promotes respect, integrity, diversity and accountability. The standard of student conduct set out in this policy reflects these values and contributes to the safety and security of the College community. Above all, students must respect the well-being, personal worth and dignity of all members of the College community, which includes being mindful of individual accountability and self-regulation.

The College will address allegations of policy violations fairly, in a manner that is open and educative. Whenever possible, informal resolutions or formal sanctions will focus on helping students learn from their actions.

2. Purpose

This policy establishes a standard of student behaviour and provides a framework for addressing behavioural misconduct so the College can maintain a safe and respectful community and working and learning environment.

3. Definitions

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

4. Application

4.1. This policy and procedure apply to all registered students and accepted applicants. It applies to conduct that:

- a) takes place on College owned or controlled property;
- b) relates to College-sanctioned activity; and/or
- c) has a real and substantial connection to a legitimate College interest, including a reputational interest and the College's interest in maintaining a safe and harassment free working and learning environment.

- 4.2. This policy and procedure do not apply to student conduct in the learning environment that the College has addressed under the Standards of Student Conduct for all Learning Environments policy and procedure. The College will not sanction students twice for the same incident, but will consider conduct addressed under the Standards of Student Conduct for all Learning Environments in imposing sanctions under this policy and procedure.

5. Policy Statements

- 5.1. The College will provide every student with a meaningful and appropriate opportunity to be heard before the College imposes discipline for breach of the standard of student conduct.
- 5.2. The College will impose sanctions that are commensurate with the nature of the breach and that encourage appropriate conduct through the application of progressive discipline.
- 5.3. In applying this policy, the College, its employees, and its officials will be fair, act in good faith, and apply their professional discretion on a reasonable and equitable basis, to achieve a just result for the entire College community.
- 5.4. The Dean, Students and Director, Office of Campus Safety (OCS) shall ensure this policy and procedure is fully implemented.

6. Standard of Student Conduct

- 6.1. All students shall:
 - 6.1.1. Comply with federal, provincial, and municipal laws and regulations and comply with all College policies and procedures.
 - 6.1.2. Treat others respectfully and in accordance with the College's values and demonstrate personal integrity, professionalism and accountability at all times, including by refraining from abuse, harassment and intimidation.
 - 6.1.3. Engage with others in a manner that respects their rights, physical and mental well-being, and safety.
 - 6.1.4. Comply with directions given by any member of the College community that are made in the proper performance of their duties.
 - 6.1.5. Refrain from making allegations or complaints against other members of the College community that are frivolous, vexatious or made in bad faith.

- 6.1.6. Refrain from committing acts of dishonesty, including by providing false information to the College, forging or misrepresenting College documents or by providing a false identity to the College.
 - 6.1.7. Refrain from any activity that causes a breach of another person's privacy, including by taking photos or making audio or video recordings of other community members without permission in any context in which the community member has a reasonable expectation of privacy.
 - 6.1.8. Refrain from stealing, damaging, possessing without authorization, defacing, vandalizing or destroying College-owned or controlled property or the property of a community member (including property of persons or organizations who host College activities).
 - 6.1.9. Refrain from conduct that is disorderly, that is disruptive of normal College operations or activities, that interferes with others' work, learning or residential environment or that endangers the safety of others.
 - 6.1.10. Properly register any service animal brought onto College-owned or controlled property with the Access and Support Centre.
 - 6.1.11. Refrain from retaliating against individuals for participating in proceedings under this policy.
- 6.2. Students who breach the standard of student conduct may be subject to sanctions, including but not limited to one or more of the following sanctions:
- a) Loss of campus privileges
 - b) A requirement to make restitution for loss or damages
 - c) Participation in a restorative process
 - d) Timetable adjustments
 - e) Suspension from one or more College facilities/services
 - f) Permanent restriction from one or more College facilities/services
 - g) Suspension from class(es)
 - h) Suspension from the College for a specified period of time
 - i) Expulsion from the College

7. Procedure

7.1. Responsibility

- 7.1.1. The OCS is responsible for addressing alleged breaches of the standard of student behaviour by investigating alleged misconduct and otherwise administering this procedure.
- 7.1.2. The College may depart from this procedure as it deems appropriate, with a view to achieving the just and most expeditious resolution to conduct matters. All duties assigned by this procedure may be delegated.

7.2. Emergency assistance and reporting of breaches

- 7.2.1. College community members should contact Campus Security or emergency services whenever faced with an immediate threat to safety or security.
- 7.2.2. External community members who observe or become aware of a breach of the standard of student behaviour are responsible for submitting an incident report to Campus Security in person or by email. Reports should be made as soon as possible and should provide the fullest possible disclosure of all information known at the time of the report submission.
- 7.2.3. Campus Security will forward all reports to the OCS after addressing any immediate threat to safety or security.

7.3. Confidentiality of reports

- 7.3.1. The subject matter of reports is confidential. Parties and witnesses must refrain from sharing information about a report with others except as permitted by the College.
- 7.3.2. Although the subject matter of reports is confidential, the College will disclose information to students who are the subject of allegations to investigate and resolve reports and may disclose information to academic departments and others to address a safety risk, to administer and enforce interim measures, conditions and sanctions and to administer this policy.

7.4. Multiple policies

- 7.4.1. In some instances, an alleged breach may violate more than one policy. Where procedures in multiple policies apply, the College officials responsible for initiating the processes will confer to determine which policy will apply, or whether multiple processes

are required, and which takes precedence. The circumstances will determine which policies the College will apply and in what order.

7.5. Interim Measures

- 7.5.1. The OCS will consider whether to implement interim measures that may be required to protect individuals, the community as a whole and/or the investigation process.
- 7.5.2. Interim measures may include but are not limited to a ban from campus property in full or in part, removal from on-campus activities, removal from on campus residence, a suspension from study or other similar measures.
- 7.5.3. Interim measures are not punishment and do not represent a finding of misconduct.
- 7.5.4. The Director, OCS will provide written notice of interim measures and, when possible, meet with the respondent student to explain. The notice will include brief reasons, a warning about non-compliance with conditions and a short explanation of the review process set out below.
- 7.5.5. The Director, OCS shall advise the Dean, Students and the appropriate school senior administrator of the interim measures.
- 7.5.6. The Director, OCS will review interim measures every five business days. Respondent students may write the Director, OCS with any input or information they wish to be considered in the review.

7.6. Meetings

- 7.6.1. Meetings may be conducted in person or virtually. Participants in virtual meetings shall keep their cameras on unless expressly excused by the meeting host. If the respondent student is unable to engage video in a virtual call, then an in-person meeting can be arranged. If applicable, a written exception to a trespass order issued under Interim Measures will be granted in order for the respondent student to attend.
- 7.6.2. Respondent students may invite a [support person](#) or [advisor](#) to meetings if they give a full day advance notice to the meeting host. Support persons and advisors are not to give evidence for a witness and are not to otherwise interfere with the conduct of meetings.

7.7. Investigation

- 7.7.1. The OCS will assess all reports, determine how to best address reports and, if appropriate, initiate a reasonable investigation to meet all applicable legal requirements. Where a report about student conduct in a learning environment is referred to OCS by a senior academic administrator, an investigation will be initiated and an update on actions will be provided to the reporting administrator within five business days.
- 7.7.2. If the OCS initiates an investigation, it will appoint an investigator, ordinarily the Manager, Student Conduct and Campus Investigations and ordinarily within five days of receiving a report. The investigator will begin to investigate promptly.
- 7.7.3. The investigator will gather witness statements, documents and other evidence and will provide the Director, OCS with the evidence along with an Investigative Summary, ordinarily within seven business days of their appointment. If more time is required, the investigator will advise the respondent student.
- 7.7.4. An Investigative Summary is not a final determination. It is a summary of the evidence collected that the Director, OCS will use in deciding whether to pursue the allegations and, if so, how to pursue the allegations. In making this decision, the OCS will provide the respondent student with a redacted copy of the Investigation Summary and an informal opportunity to respond.
- 7.7.5. Should the respondent student elect not to participate or fail to respond to the OCS, the Director, OCS may hold the investigation in abeyance. Any interim measures implemented will remain in effect. The OCS will notify the Office of the Registrar requesting a hold be placed on the respondent student's record, citing the OCS Investigative Case number. The OCS may re-initiate matters held in abeyance at any time, and shall not be responsible for delay occasioned by the respondent student's non-participation.

7.8. Letter of Expectation

- 7.8.1. Except in cases where the student conduct occurred in a learning environment and the report was provided by a senior academic administrator, the Director, OCS may issue a Letter of Expectation to address any allegations that they judge to be less serious. The Director, OCS may do so before or after an investigation, subject to any legal requirement to conduct an investigation.
- 7.8.2. A Letter of Expectation sets out expected behaviours alone. It is not a misconduct finding and is not punishment.

- 7.8.3. If the Director, OCS issues a Letter of Expectation, the OCS will take no further action absent a change in circumstances. The OCS will inform any students who reported the matter that it has been resolved.
 - 7.8.4. The OCS shall keep a record of all Letters of Expectation issued and shall report annually to the Dean, Students on the exercise of this discretion.
- 7.9. Informal Resolution – Excluding Reports of Student Conduct in a Learning Environment
- 7.9.1. After the completion of an investigation, the Director, OCS may direct the Manager, Student Conduct and Campus Investigations to speak with the respondent student and determine whether the matter can be informally resolved.
 - 7.9.2. The Director, OCS may approve any written informal resolution that involves an acknowledgement of wrongdoing, that is appropriate in light of this policy’s objectives and with which the respondent student freely agrees. Informal resolutions may involve:
 - a) Restorative process
 - b) Verbal or written warning
 - c) Written apology
 - d) Written Notice of Infraction with restrictions
 - e) Restitution
 - f) Conduct contract
 - g) Referral to campus services
 - 7.9.3. The OCS will maintain records of informal resolutions, which the College may use to establish a student’s disciplinary record and impose progressive discipline. Informal resolutions are final and may not be appealed.
 - 7.9.4. The OCS will inform any students who reported the matter that it has been resolved.
- 7.10. Informal Resolution – Student Conduct Reports from an Academic Learning Environment
- 7.10.1. After the completion of an investigation, the Director, OCS may direct the Manager, Student Conduct and Campus Investigations to speak with the respondent student and determine whether the matter can be informally resolved.

7.10.2. The Director, OCS may approve any written informal resolution that involves an acknowledgement of wrongdoing, that is appropriate in light of this policy's objectives and with which the respondent student freely agrees. Informal resolutions may involve a conduct contract addressing one or more of the following:

- a) Loss of campus privileges;
- b) A requirement to make restitution for loss or damages;
- c) Suspension from one or more classes;
- d) Suspension from one or more College facilities; and/or
- e) Other sanctions consistent with this policy.

7.10.3. The OCS will maintain records of informal resolutions of student conduct reports submitted by academic schools, which the College may use to establish a student's disciplinary record and impose progressive discipline. Informal resolutions are final and may not be appealed.

7.10.4. The OCS will inform the senior academic administrator who reported the student conduct matter of any resolution.

7.11. Initiation of Formal Resolution

7.11.1. After the completion of an investigation, the Director, OCS may initiate a formal resolution process, ordinarily by asking the Manager, Student Development to establish and Chair a Student Conduct Committee to hear the matter within seven business days.

7.11.2. In establishing the Student Conduct Committee, the Manager, Student Development shall appoint the following trained members from the Student Conduct Standing Committee:

- one senior academic administrator;
- one student services staff member; and
- one student member.

7.11.3. The Manager, Student Development is the non-voting Chair of every Student Conduct Committee, and responsible for advising the committee on matters of procedure. Should the Manager, Student Development declare a conflict of interest, the Dean, Students will appoint another trained administrator to act as Chair.

- 7.11.4. Should the Director, OCS in consultation with the Dean, Students deem it appropriate, they may appoint a single Adjudicator instead of a Student Conduct Committee in which case the single Adjudicator shall apply this Policy as it applies to a Student Conduct Committee with any necessary modifications.
- 7.11.5. Members of the appointed Student Conduct Committee or the single Adjudicator must have no prior involvement in the matter and be free of any actual or perceived conflict of interest.

7.12. Conduct Meeting

- 7.12.1. The OCS will provide a copy of the Investigative Summary and documentation to the Student Conduct Committee/Adjudicator.
- 7.12.2. The Student Conduct Committee/Adjudicator will consider the Investigative Summary and appended documentation prior to the scheduling of a conduct meeting.
- 7.12.3. When a matter involves more than one respondent student, the Chair/Adjudicator will determine whether the respondent students will meet with the Student Conduct Committee/Adjudicator separately or together.
- 7.12.4. The Chair/Adjudicator will schedule an in-person or virtual meeting. Once scheduled, the Chair/Adjudicator will send respondent students a notice of the meeting that sets out the misconduct allegations along with the Investigative Summary. The Chair/Adjudicator shall also provide the respondent student with documents that are relevant and necessary to the fair resolution of the matter, bearing in mind the time and expense of production and the concept of proportionality.
- 7.12.5. Respondent students shall make themselves available to meet with the Student Conduct Committee/Adjudicator. If a respondent student fails to attend a scheduled conduct meeting, the Student Conduct Committee/Adjudicator may make a decision in absentia.
- 7.12.6. The Student Conduct Committee/Adjudicator will give each respondent student who attends a conduct meeting a fair hearing, following which it will make two decisions:
 - a) whether the evidence establishes, on a [balance of probabilities](#), one or more misconduct allegations; and
 - b) if one or more misconduct allegations are substantiated, the appropriate sanction.

- 7.12.7. As the Chair/Adjudicator deems it appropriate, a Student Conduct Committee/Adjudicator may defer hearing submissions about penalty to a second conduct meeting.
- 7.12.8. The Chair/Adjudicator will provide each respondent student with a letter that sets out the Student Conduct Committee's/Adjudicator's decision and reasons. The Chair/Adjudicator will also advise College administrators about any imposed sanctions if they have a need to know.
- 7.12.9. The College will keep a confidential copy of the minutes of conduct meetings in the office of the Dean, Students.
- 7.12.10. The OCS will retain a record of all sanctions imposed in accordance with the College's records information management protocols. The College does not record sanctions other than expulsions in the permanent academic record or transcript of respondent students.

7.13. Appeal Process

- 7.13.1. An appeal is not a reconsideration of a Student Conduct Committee/Adjudicator decision. An appeal will only be granted if the respondent student establishes at least one of the three following grounds:
 - a) new evidence has become available, but through no fault of the respondent student, was not presented at the time the Committee/Adjudicator made its decision therefore rendering the Committee's/Adjudicator's decision questionable.
 - b) a substantial procedural error has been committed by the Committee/Adjudicator which has denied the respondent student a fair outcome.
 - c) the sanctions imposed by the Committee/Adjudicator are patently unreasonable or substantially disproportionate to the circumstances or offence in light of the evidence put before the Student Conduct Committee/ Adjudicator.

A "reasonable" decision is one that is rational, in that its findings (i.e., determination of responsibility) are based on evidence before the decision-maker(s), it is thought-out and supported by the facts and logical inferences from those findings of fact. To be reasonable, the decision must contain adequate reasons for the conclusions.

- 7.13.2. Respondent students may file a written appeal to the Risk Management Office within five business days of receiving a Student Conduct decision. The appeal shall be made on a Student Conduct Non-Academic Appeal Form, identify the basis for the appeal (including a description of the ground(s) for the appeal as set out under 7.13.1) and include all submissions in support of the appeal.
- 7.13.3. Typically, a respondent student will receive a reply within five business days of the Risk Management Office receiving a complete application package. The reply shall provide the respondent student with one of the following outcomes:
- a) the application has met the grounds for an appeal and will be forwarded to the Dean, Students for consideration; or
 - b) the application has not met the grounds for an appeal.
- The Office of Risk Management is not required to discuss the appeal application with the respondent student before deciding whether or not the appeal will proceed.
- 7.13.4. If an appeal is allowed to proceed, the Dean, Students may:
- a) return the matter to the same Student Conduct Committee/Adjudicator with or without giving direction; or
 - b) return the matter for a re-hearing before a newly constituted Student Conduct Committee, a new Adjudicator or substitute a modified sanction. In cases where a sanction is altered, the Dean, Students will notify other College administrators if they have a need to know.
- 7.13.5. The Committee/Adjudicator who hears the appeal will have no prior involvement in the matter under appeal and will not be in an apparent or real conflict of interest.
- 7.13.6. The Committee/Adjudicator who hears an appeal will have appropriate training for this role and may also seek confidential legal advice.
- 7.13.7. An appeal decision is final and will be communicated to the respondent student by the Committee Chair/Adjudicator hearing the appeal.

8. 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 Multi-Year Accessibility Plan.

9. Non-compliance implications

Failure to properly report or act on student conduct issues may place members of the College community at risk and could result in damage to an external or internal member of the campus community and to the College through financial or reputational loss.

10. Related forms, legislation or external resources

- Student Conduct Non-Academic Appeal Form
- Accessibility for Ontarians with Disabilities Act
- Occupational Health and Safety Policy and Procedure
- Ontario Human Rights Code