

# LOYALIST COLLEGE Student Code of Conduct

September 1, 2022

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## 1. Purpose

Loyalist College (herein referred to as “the College”) is a community of learners where respectful living and learning is a cherished principle. For academic and other matters falling outside the scope of this Code, students should consult the list of policies posted on the College’s website at: <https://www.loyalistcollege.com/about-loyalist/policies/> and familiarize themselves with the relevant academic calendar. The College uses operational policies and the Student Code of Conduct to inform its students of its expectations for acceptable student conduct in academic and non-academic matters.

The primary purpose of the Loyalist College Student Code of Conduct (hereafter referred to as “the Code” or “this Code”) is not to be punitive but, rather, to be a guideline for appropriate non-academic behaviour across Loyalist College’s diversified community. The Code provides a framework for review, investigation and resolution including sanctions, as appropriate. Where possible and appropriate, education and the provision of support services shall be used to attempt informal resolution of a matter before proceeding to formal resolution procedures. While this Code lays out specific avenues for Complaints and Appeals, the College encourages student to speak informally with the Vice-President, Student Life and Leadership, or Designate, to better understand their options before proceeding with a complaint or response.

The administration of this Code and Loyalist College policies is to be conducted in a clear, fair, and timely manner with due regard for the principles of natural justice.

## 2. Oversight Responsibilities

The department of Student Life and Leadership administers the Student Code of Conduct in non-academic matters. The Vice-President, Student Life and Leadership, or Designate, shall review complaints, and respond according to the related procedures in this Code.

## 3. Definitions

**Advisor:** A person selected by a Complainant or a Respondent to accompany them throughout the process or a part of the process. The Advisor does not play an active role in any part of the processes under this Code except to act as a moral support for the party asking to be accompanied.

**Appellant:** The party who appeals a decision under this Code.

**Complainant:** The party or parties initiating a complaint under this Code.

**Counter-Complaint:** A complaint filed by a Respondent in response to the complaint alleging a breach of the Student Code of Conduct by the original Complainant.

**Due Process:** The principle that a party has a right to a fair and unbiased process that, amongst other things, incorporates the principles of the right to be heard or to know the case that has been made against a party to support any complaint or response.

**Expected Standards:** Refers to student behaviour that meets or exceeds generally accepted standards for the development and maintenance of Loyalist College as a productive and positive place to learn and live. **These standards are further outlined in the Appendices attached below.**

**Good Standing:** Students with a semester GPA of 60%, or greater, for non-degree programs or 65%, or greater, for degree programs, who have passed all courses, are considered to be in good academic standing.

**Harassment:** Defined as any form of attention or conduct by an individual or group that knows, or ought to know, that such attention or conduct is unwelcome, unwanted, offensive, or intimidating. Such behaviour does not have to constitute a pattern but rather, harassment may arise from a single instance of such behaviour.

**Inappropriate Behaviour:** Refers to behaviours that compromise the positive learning and living environment at Loyalist College and which fall below the generally accepted standards outlined in this Code or in relevant municipal, provincial, and federal legislation.

**Loyalist College Community:** Refers to students, alumni, staff, and visitors on Loyalist College campuses and facilities; participants in College related programming (academic and non-academic); and those involved in the use of College equipment or software.

**Natural Justice:** For the purposes of this Code, natural justice means that a student:

- a. has the right to know the case against them;
- a. has the right to present a defense;
- b. has a right to expect due process including the right to an unbiased complaint, investigation, and decision-making process;
- c. has the right to know reasons for a decision under this Code; and,
- d. has a right to appeal provided there are reasonable grounds for such appeal based on a reasonable apprehension of bias or that another breach of natural justice has taken place.

**Offence:** Behaviour or actions by students that breach this Code or fall short of the College's standard for student responsibilities.

**Penalties/Sanctions:** Refers to measures taken to address breaches that fall below the expected standards of behaviour. They are applied primarily to correct behaviour rather than to punish behaviour.

**Reasonable Apprehension of Bias:** A test to determine whether a decision has been unduly influenced by bias.

**Respondent:** The party or parties responding to a complaint, or an appeal filed under this Code.

**Restorative Measures:** Refers to measures aimed at assisting a student to take responsibility for their actions; make it right for those who have been negatively affected by those actions; and allow the community to be involved in helping both the victim and the offender. Restorative practices seek to repair harm as part of a collaborative, good faith process that is predicated on parties taking responsibility for their actions and willingly participating in processes to redress any harm that has occurred.

**Sole Decision Maker:** The Sole Decision Maker process may be used, but is not limited to, situations where:

A simple administrative fine has been issued for a relatively minor breach of the Code or related policy.

For more serious cases where a more in-depth investigation needs to take place and where the matters under investigation are of a particularly sensitive nature.

There are increased concerns about confidentiality and the breach thereof.

There is more immediate action required arising from a concern for an individual or the larger Loyalist community.

The Sole Decision-Maker process may also be used when the matter is a relatively simple matter (e.g., a simple administrative fine has been issued for a relatively minor breach of the Code), the College is the Complainant, or when a complaint is received during periods when the Student Code of Conduct Complaints Review Panel is unavailable (e.g. after the end of classes, outside the regular academic year, or when the Complaints Review Panel is unable to meet due to student or staff absences – see Appendix “G” for more details).

**Student:** Refers to all full and part-time students, enrolled in for-credit or non-credit courses (and includes distance education courses) at Loyalist College or their guests on-campus or at a College related activity or event off-campus.

## 4. Principles

### 4.1 Positive Learning and Living Environment

Loyalist College is committed to establishing and maintaining a positive learning and living environment. The Code is designed to provide an explicit definition of the minimum standards of personal conduct that Loyalist College expects of all its students.

### 4.2 Conduct Respecting the Dignity and Worth of Every Member of the Loyalist College Community, Free from Discrimination

The Code reinforces the fact that Loyalist College respects the dignity and worth of every member of its community and provides for equal rights and opportunities, free from discrimination. Each member of the Loyalist College community shares responsibility for

creating and maintaining a living, learning, and working environment free from discrimination.

### 4.3 Behavioural Expectations and Prohibited Conduct

Students are expected to conduct themselves in a manner that exemplifies the values of Loyalist College in maintaining a safe, respectful, and inclusive environment for all members of the College community. The Code provides preventative guidance to members of the College community while also recognizing that breaches can occur from time to time and must be dealt with accordingly.

### 4.4 Risk Mitigation

The Code recognizes that occasionally, student behaviour may fall below generally accepted standards. By ensuring that students and staff are aware of the expected standards of behaviour, and the consequences of not meeting those standards, Loyalist College aims to reduce the likelihood of physical, emotional, or reputational harm to all members of the Loyalist College community and to Loyalist College itself.

### 4.5 Right of Appeal

A student may appeal a decision made under this Code providing they can demonstrate reasonable grounds for appeal based on a breach of natural justice, including a reasonable apprehension of bias or conflict of interest. NOTE: Not liking the result of a decision is not, in and of itself, grounds for appeal. Reasonable grounds would include evidence which, on its face, alleges bias or another fundamental breach of the principles of natural justice (e.g., a failure to follow due process).

## 5. Accommodation

Students with disabilities may require accommodation in relation to a hearing under this Code. In such cases, the student is required to provide medical documentation to the Vice-President, Student Life and Leadership, or Designate. With consent, the Vice-President, Student Life and Leadership, or Designate, will consult with the AccessAbility office to confirm and, as necessary, specify the accommodations that should be provided when practicable to do so.

## 6. Application & Scope

The Loyalist College Student Code of Conduct applies to the non-academic conduct of all full- and part-time Loyalist College students that occurs on-campus; in properties owned or leased by Loyalist College; when using College equipment or software; or when participating in Loyalist College activities regardless of whether they take place on-or-off-campus. **Complaints involving employees, including student employee conduct within the scope of their employment, should be referred to the People and Culture department by contacting them at the following email address: [peopleandculture@loyalistcollege.com](mailto:peopleandculture@loyalistcollege.com)**

This policy applies to off-campus behaviour when:

- a. a student is participating in an academic requirement off-campus (including, but not limited to, work integrated learning (WIL) opportunities, Co-op related programming, field placement, or academically related field trips and experiential opportunities);
- b. a student is participating in any College sanctioned event (including, but not limited to, orientation, athletic events, charity events, etc.);
- c. off-campus behaviour threatens or negatively affects the physical or mental safety of Loyalist College students and staff;
- d. off-campus behaviour has a real and substantive probability of negatively affecting the interests or reputation of Loyalist College, including:
  - i. when using electronic communications under the name of Loyalist College;
  - ii. when using social networking sites. NOTE: The College does not actively monitor such sites but if content comes to the attention of the College that reasonably suggests a breach of this Code or other College policies, the College reserves the right to investigate and respond as appropriate.

The procedures outlined in this document do **not** apply to breaches that are determined to be at Level 1 as outlined in Appendix I. Fines or other sanctions for such breaches shall be at the sole discretion of the relevant College representative, (e.g., residence staff member). Appeals of any such sanctions shall be to the immediate supervisor of the relevant staff member and the decision of the supervisor shall be final with no further avenue for appeal.

Whenever appropriate, administration of this Code will seek to apply positive interventions, restorative practices, or educative outcomes.

The College reserves the right to:

- a. determine whether a matter should be addressed under this Code;
- b. take necessary and appropriate action to protect the safety and welfare of the College community as a whole, notwithstanding this Code;
- c. use information provided by external agencies such as the police or the courts; and
- d. determine whether behavioural restrictions should be put in place regardless of the location of the incident or the actions of external agencies such as the police or the courts. In other words, the College reserves the right to act under this Code regardless of whether proceedings have been commenced by outside parties.

## 7. Student Rights and Responsibilities

### 7.1 Student Rights

- The right to pursue their academic program with all the access and privileges that the College accords to those in good standing.
- The right to participate fully in College life without fear or threat of harassment, intimidation, discrimination, violence, or other forms of exclusionary or threatening behaviour.
- The right to an educational or on-campus residential environment that is safe, respectful, and conducive to positive living and learning.

- The right to natural justice under this policy.
- The right to privacy of personal information as per College policies.
- The right to freedom of opinion, expression, belief, and association to the extent this freedom does not infringe on the rights of others or violate this and other College policies or relevant laws.
- The right to peaceful assembly and participation within the College provided such actions do not violate the fundamental rights of other community members or breach the fundamental responsibilities outlined in the Student Code of Conduct.

## 7.2 Student Responsibilities

- The responsibility to behave in a manner that makes Loyalist College a safe, respectful, inclusive, and positive place to live, work, and study. Students are responsible for avoiding behaviour that threatens or endangers the health, safety, well-being, or dignity of any member of the Loyalist community.
- The responsibility to support an environment of honesty, equity, and respect for others, consistent with the value that the College places on these principles within the Loyalist community.
- The responsibility to be fully acquainted with, and adhere to, College policies, procedures, and rules.
- The responsibility to protect the privacy of personal information of all members of the community.
- The responsibility to act in accordance with the law and College policy by not engaging in behaviour that is, or that can be reasonably seen as, illegal or in breach of College policy.

## 8. Offences

Students are expected to conduct themselves in a manner that exemplifies the values upheld by Loyalist College by preserving a safe, respectful, and inclusive environment for all members of the College community. Prohibited conduct is identified on a continuum, based on relative harm to, or impact on, the rights of others. Cumulative or repeated behaviour will result in an increasing level of sanction, although the incident on its own may not have normally warranted the recommended outcome. The offences identified below are provided for increased clarity regarding College expectations. The categories are not meant to provide an exhaustive list of all potential breaches to which this Code may apply. ***Students are expected to refrain from the following actions.***

### 8.1 Offences Against Persons

Includes but is not limited to:

#### *8.1.1 Threats of Harm, or Actual Harm, to a Person's/Group's Physical or Mental Well-being*

Assaulting, acting physically aggressive; acting verbally or non-verbally aggressive; intimidation, or coercion.

### *8.1.2 Harassment*

Behaving inappropriately through verbal or written communications (either in-person or via email); electronic messaging or other electronic/internet-based processes; or telephone. Protections detailed in municipal, provincial, or federal laws may apply, as appropriate. In addition, students are not to display any kinds of discriminatory material including, but not limited to, notices; signs; flags; symbols; emblems; or any other similar representation that is determined to be discriminatory or harassing. NOTE: *Intent* to discriminate is not a determining factor under this Code. The *impact* on another person, or persons, or the College community shall be the determining factor.

### *8.1.3 Sexual Assault and Sexualized Violence*

Sexualized violence: any unwanted sexual acts and/or acts that are committed, threatened or attempted against a person without a person's consent. Sexualized violence includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

### *8.1.4 Disturbances for the Purpose of Disruption or Obstruction*

Creating disturbances that the individual knows, or ought to know, obstructs any activity organized by the College or the right of another member or members to carry on their legitimate activities, to speak, or to associate with others. Silent or symbolic protest will not be considered disruption under this Code. Noise that obstructs the conducting of a meeting or other regular college business, or forcible blocking of access to an activity does constitute disruption.

## **8.2 Offences Against Property**

Includes but is not limited to:

### *8.2.1 Theft or Other Unauthorized Possession*

Possessing College property or the property of any member of the College community without the permission of the rightful owner. This includes taking something or being in possession of something that is known, or ought to be known, as not their own and for which authorization has not been granted.

### *8.2.2 Damage to the Property of the College or its Community Members*

Misusing, misappropriating, destructing, defacing, or damaging College property, or property that is not their own, including information or intellectual property owned by the College or any members of the College community.

## **8.3 Offences that Disregard the Safety and Health of the Loyalist College Community**

This includes but is not limited to:

### *8.3.1 Creating Dangerous or Unsafe Conditions*

Setting fires, setting off false fire alarms, tampering with other lifesaving equipment, blocking exit routes, or misleading/impeding the work of College or emergency personnel.

### *8.3.2 Inciting Violence*

Threatening violence or physical abuse to any group or individual members of the College community or inciting others to engage in such behaviour.

### *8.3.3 Firearms, Explosives, Other Weapons*

Possessing firearms (including air guns or replica firearms), explosives (including fireworks), other weapons or dangerous chemicals on to College property or to any College-related event or activity.

Making claims of possessing or threatening to use such items on College property or at any College related event or against any member of the College community.

## 8.4 Offences Related to Access or Use of College Property, Facilities, Equipment and Materials

This includes but is not limited to:

### *8.4.1 Unauthorized Entry or Presence*

Entering or remaining on College premises or property or presence at any College-related activity/program without proper authority.

### *8.4.2 Unauthorized Use of College Facilities, Equipment, Materials, or Services*

Using any facility, equipment, material, or service (including any of the College's information resources), contrary to express instruction or without proper authority. Obtaining or using any College equipment, material, or service (including any of the College's information resources), by fraudulent means or by providing false information.

### *8.4.3 Misuse of College Supplies or Documents*

Making, altering, using, receiving, or possessing College supplies or documents without proper authority. Supplies and documents include, but are not limited to, equipment, software, keys, records, permits, College letterhead, College stationery, or College envelopes.

### *8.4.4 Misuse of Library or Information Resources*

- Removing books or other library materials from the College library without proper authorization;
- Destroying, misplacing, misfiling, or rendering inoperable any stored information such as books, film, data files, or programs normally available through the library, computer, or other information storage, processing, and retrieval systems;
- Abusing any College information resources including, but not limited to, computer or computer related facilities or software; altering or removing computer files or software

without proper authorization; purposefully misplacing/mis-filing such files or software; or depriving others of access to such information resources;

### 8.5 Offences Related to the Use of Alcohol or Drugs

- Contravening provincial liquor laws or the policies of the College regarding the purchase, sale, possession, consumption, or manufacturing of alcoholic beverages.
- Possessing or consuming alcoholic beverages at a College-organized or College sanctioned event, on or off campus, which has been designated as a dry event/activity.
- Transporting, consuming, or possession of open alcohol outside licensed on-campus events or spaces, or other College-approved events or spaces where alcohol is that is sold or served.
- Possessing or using prescription drugs without a valid prescription. Trafficking of prescription drugs shall be considered an illegal drug activity for the purposes of this Code regardless of the amounts involved and regardless of whether money or other form of consideration is exchanged.
- Possessing of, furnishing to another, or consuming illegal drugs on-campus; at College facilities (whether leased or owned by the College); at College activities or events; or otherwise engaging in illegal drug behaviour.

NOTE: As a general principle, impairment by alcohol or other drugs is not a defence against being found responsible for breaching the standards of behaviour outlined in this Code; other College policies; or related procedures.

### 8.6 Offences Related to Smoking

Smoking on-campus or other College related property or at College sponsored activities or events. Students who can provide proof of a legitimate medical marijuana prescription, provided by a licensed physician, must register and develop a plan with AccessAbility Services as per the College's ADMIN 102 Smoke Free Campus Policy.

### 8.7 Offences Related to Online Postings

Students are reminded that images, posts, dialogues, and information about themselves or others posted on the internet are public information. While College officials do not actively monitor sites, content that is brought to the attention of the College which describes or documents behaviour that may constitute a breach of College policy may be subject to further investigation. The College reserves the right to respond to these incidents, which may include disciplinary action under this Code or other relevant College policy.

### 8.8 Failure to Comply

Failing to comply with the reasonable directions of College officials, College Security officials, or other law enforcement officers in the performance of their duties.

## 8.9 Supporting Student Misconduct

Encouraging, aiding, or conspiring with another student to engage in misconduct under this Code. This includes, but is not limited to, encouraging or aiding behaviour of a non-student/group which, if committed by a student/student group, would be grounds for misconduct under this Code.

## 8.10 Misconduct Related to the Application of this Code

In utilizing this code, students and other members of the College community will refrain from:

- Abusing or otherwise disrespecting the substance and procedures under this Code including, but not limited to, bringing false or unfounded complaints with malicious or frivolous intent; failing to comply with the reasonable requests of an administrator or other staff member authorized under this Code; failing to attend meetings or hearings regarding alleged breaches of this Code; or retaliating against any participant in proceedings under this Code.
- Abusing the College's disciplinary system by, but not limited to:
  - Falsifying, distorting, or otherwise misrepresenting information before the Student Code of Conduct Complaints Review Panel or the College Appeals panel;
  - Disrupting or interfering with the orderly conduct of any hearing held under this Code;
  - Attempting to discourage an individual's participation in, or use of, the Student Code of Conduct policy;
  - Attempting to influence the impartiality of a member of the College's Student Code of Conduct Complaints Review Panel or the Appeals Panel;Harassing or intimidating or attempting intimidation of a member of the Complaints Review Panel or the Appeals Panel;  
Influencing or attempting to influence another person to commit an abuse of the Complaints Review Panel or the Appeals Panel processes.

## 8.11 Refusal to Comply with Decisions made under this Code

Students who are found to be responsible for misconduct under this Code must comply with a corrective measure applied under this Code. Students who do not comply with decisions made under this Code may be subject to further sanctions including, but not limited to, suspension or expulsion from the College.

## 9. Sanctions

The following is a list of possible sanctions that may be imposed under the Code upon determination that a breach has occurred. The list is not exhaustive but is meant to serve as a guideline for the Complaints Review Panel, the Appeals Panel, or the Vice-President, Student Life and Leadership, or Designate, when reviewing violations of the Code. Each case is unique and, consequently, the sanctions imposed may be unique to address the specific breach and its consequent harm to either an individual or the community.

**Administrative Move/Relocation** – In some situations, particularly if the Complainant and the Respondent are in the Loyalist residence community, there may be a need to move a student to another room or to another residence. This will often be linked to a sanction restricting the person's ability to return to their previous residence building.

Likewise, in cases where a Complainant and Respondent may be in the same courses or program, there may be a need to move a student to another course or another program cohort.

**Alcohol Probation** – Students who create a disturbance after, or because of, drinking or who violate rules and regulations after, or because of, drinking, or who demonstrate signs of problem drinking may be placed on alcohol probation. Students on such probation are not permitted to possess or consume alcohol on College premises, whether on-campus or leased off-campus or at College related events. Residence students in violation of alcohol probation may face suspension or eviction from residence. Students who violate an alcohol probation will be placed on disciplinary probation automatically and future breaches of the Code may result in further sanctions being imposed.

**Apology** – Apologies are meant to express the remorse of the person offering an apology and to help repair any damage that has been done to the parties' relationship. Such apologies may be private (i.e., party-to-party), or public (i.e., to the Loyalist community), as appropriate.

**Bans** – Students may be banned from one or more campus residences; from other areas on campus; and/or from campus and campus-related facilities. Such a ban may have a formal Trespass to Property Notice attached which constitutes a legal notice and for which a breach can lead to further legal sanctions.

**Behaviour Contract** – A behaviour contract is an agreement between an individual and the College, whereby an individual agrees to a set of specified behaviours, conditions, or expectations. An individual may be issued a behaviour contract where it is determined to be part of the educative process for the individual and where the individual does not constitute an immediate or enduring threat to other members of the Loyalist community. A behaviour contract will often be issued together with a bond that will result in a fine being imposed should the behaviour contract be breached.

**Bond** – A bond is a suspended fine and is used to ensure that an individual complies with a specific behaviour contract, policy, or procedure and to ensure an appropriate level of behaviour is maintained by the individual within the Loyalist community. If there are no behaviour contract violations during the period specified in the bond, no fine will be issued. Should the behaviour contract be violated, the bond will be converted into a fine and charged to the student's account. NOTE: Additional sanctions may also apply.

**Community Service Hours** – Community service provides a student with an opportunity to repair any damage(s) or harm caused by their behaviour. At the discretion of the decision-

maker(s) under the processes of this Code, community service hours may be completed on-or off-campus. Completion of hours will be confirmed by the party supervising the requisite hours.

**Educational Assignment** – These may be written or participative activities the purpose of which is to provide a student with increased knowledge as the impact of their behaviour on an individual, the College community, or the community at large. They may be written, oral, participation in restorative justice processes, meeting with a College or external community member with expertise in the issue, etc.

**Expulsion from Residence or the College** – In some cases, the behaviour may be severe enough to warrant a student's expulsion from the College or from residence. In such cases, the student will also be banned from campus or from residence and may be subject to a Trespass to Property Notice. A decision to expel a student from the College will be made by the Vice-President, Student Life and Leadership, or Designate, after consultation with the Senior Vice-President Academic.

**Fines** – A fine is a financial charge against a student's account in consequence of a breach of this Code and to hold a student accountable for such breach.

**Interim Measures** – In cases where the Vice-President, Student Life and Leadership, or Designate, deems it necessary, interim measures may be implemented. Such measures are taken as the result of a reasonable belief in the need to protect the safety and well-being of the students involved in a complaint or for the protection of the larger Loyalist College community. Such measures can include, but are not restricted to, room/residence re-location; temporary room/residence/College ban; a No Contact/Communication Order; or other restrictions deemed necessary while the complaints process is underway. Interim measures, similar to emergency measures, do not imply a finding of guilt.

**No Communication Order** – To safeguard the review and hearing process or to ensure a safe space for students involved in a complaint, the Vice-President, Student Life and Leadership, or Designate, may issue a No Communication Order. Such an order restricts, as outlined in the Order, communication between students involved in the complaint process until such time as the matter has been resolved.

**No Contact Order** – To safeguard the review and hearing process or to ensure a safe space for students involved in a complaint, the Vice-President, Student Life and Leadership, or Designate, may issue a No Contact Order. Such an order restricts, as outlined in the Order, any form of contact (which may also include matters covered under a No Communication Order) between students involved in the complaint process until such time as the matter has been resolved.

**Non-Academic Suspension** – Students may be issued with a non-academic suspension which prohibits them from being on campus for any non-academic purpose. Except for classes, labs, assigned study groups, or other academic purpose, the suspended student is not permitted on-campus and must leave immediately upon the academic purpose being completed. Failure to

abide by the terms and conditions set out in the non-academic suspension may result in a complete suspension or expulsion.

**Reduced Privileges** – Students may have their privileges restricted or suspended. Such privileges may include participation in clubs, societies, or teams; eligibility for residence allocations or future residence allocations; or attendance at social functions on-campus or at College related events and activities.

**Referral** – Students may, as directed by the relevant decision-maker, be required to attend meetings/appointments with Designated people, organizations, or departments (on- or off-campus) as an educative means to ensure fuller understanding or compliance to avoid future breaches under this Code.

**Restitution** – Relates to monetary sanctions directly meant to compensate for costs incurred from injury, loss, or other damages including, but not limited to, the cost of repair, replacement, or other compensation. Restitution differs from Fines in that the assessment of the amount of restitution is specifically related to those costs that are determined to be a direct consequence of the inappropriate behaviour and the harm caused.

**Violence Threat Risk Assessment** – In cases where there is a reasonable belief that a student may pose a threat to the safety of others due to a high potential for physical harm to other members of the Loyalist community; high potential of damage to College property; or the continued presence of a student would be unduly disruptive, the Vice-President, Student Life and Leadership, or Designate, may seek an evaluation of the safety risk by referring the matter to an outside, third party, for further threat assessment. In such cases, interim or emergency measures may be applied as the threat assessment is conducted.

**Written Warning** – A written warning is a low-level sanction that serves to warn a student that a continuation of the behaviour outlined in the warning may result in further and more severe sanctions.

**NOTE:** The College reserves the right to impose outcomes other than those outlined above depending on the nature and severity of the behaviour or harm under review.

## 10. Related Policies and Protocols

- ADMIN 102 – Smoke-Free Campus
- SS 612 – Sexual Assault and Sexualized Violence
- STUD 204 – Fit to Learn
- AOP 231 – Academic Appeals Policy and Procedure
- Residence Community Standards & Expectations

## 11. Relevant Legislation

*Freedom of Information and Protection of Privacy Act (FIPPA)*

*Ontario Human Rights Code*

*Accessibility for Ontarians with Disabilities Act (AODA)*

## APPENDIX A – DIRECT PARTY-TO-PARTY PROCEDURE

### Informal Party-to-Party Resolution

Loyalist College recognizes that many disputes can be resolved informally without resorting to the procedures in this Code. Where it is possible and appropriate to do so, members of the College community are encouraged to use constructive communication to directly resolve the situation rather than invoking the formal complaints procedure under this Code. A suggested process for this is as follows:

- a. Choose a time and place when a conversation can proceed calmly, privately, and without too much time having passed from the time of the incident leading to the need for the meeting. Where appropriate, consider bringing another person to the meeting for moral support.
- b. Speak about the impact of the behaviour, focusing on the behaviour – not the person.
- c. Listen to understand and acknowledge the viewpoint of the other person involved.
- d. Work together to find an agreement on how to resolve the issue through better communication, mutual understanding, and possibly developing a plan to avoid such impacts in the future.

If the situation does not lend itself to direct resolution or if direct resolution is unsuccessful, an individual may choose to address the issue through the complaints process outlined in this Code and Appendices below. NOTE: In all cases, the complaints process shall begin with a formal, written complaint.

## APPENDIX B – COMPLAINTS PROCEDURE

The complaint resolution process begins with the submission of a formal, written complaint, using the prescribed form (click here for the form), to the Vice-President, Student Life and Leadership by email to the following address: [conductcomplaints@loyalistcollege.com](mailto:conductcomplaints@loyalistcollege.com). Any member of the College community (the Complainant) may file a complaint under this Code, alleging a breach of the standards outlined in this Code.

### A. Filing a Complaint

1. The complaint must be in writing with the Complainant's name and contact information. A residence incident report or a security incident report may constitute a complaint.  
**Anonymous complaints will not be reviewed for action.**
2. The complaint must be filed with the Vice-President, Student Life and Leadership office within thirty calendar days of the alleged violation of the Code unless the Vice-President, Student Life and Leadership, or Designate believes there are grounds for extending the deadline. Reasons for extending the time limit may include, but are not limited to, pending criminal proceedings; fear of/intimidation by the respondent(s); or an absence from the College by the Complainant.
3. If it is determined by the Vice-President, Student Life and Leadership, or Designate, that the complaint falls within the scope of the Code, the Vice-President will notify the parties (refer to Appendix B).
4. If the complaint does not fall within the scope of the Code but may fall within the scope of another College policy, the Complainant will be advised accordingly and provided with a copy of the relevant policy and related procedures. A decision by the Vice-President, Student Life and Leadership, or Designate, that a complaint does not fall within the scope of the Code is final and not subject to appeal.
5. If the complaint is determined to not fall within the jurisdiction of the Code or within the jurisdiction of another College policy, the complaint will not proceed. In every case, the Complainant's right to seek redress outside the College is not extinguished by a decision the complaint does or does not fall within the scope of the Code.

### B. Responding To a Complaint

The following steps are to be followed when a formal complaint is received and determined to fall within the scope of the Code.

1. Upon receipt of the complaint through [conductcomplaints@loyalistcollege.com](mailto:conductcomplaints@loyalistcollege.com), the Vice-President, Student Life and Leadership, or Designate, will contact the Complainant by either Loyalist College email, campus mail, or by Express Post to: 1) confirm the complaint has been received, and 2) schedule a meeting to review the complaint. During the meeting, the Vice-President, Student Life and Leadership, or Designate, will provide the Complainant with more information on the complaint-resolution processes under the Code and identify sources of College support for the Complainant.

2. Normally, the Vice-President, Student Life and Leadership, or Designate, will respond to complaints within five (5) business days.
3. During the first meeting with the Complainant (normally within 5 business days of the Vice-President, Student Life and Leadership, or Designate, responding to the complaint), the Vice-President, or Designate, will discuss with the Complainant which resolution process (informal or formal) to follow.
  - i. For complaints that lend themselves to informal resolution, refer to Appendix C below for the steps to be followed.
  - ii. For complaints that lend themselves to formal resolution, refer to Appendix D or Appendix E below for the steps to be followed.
4. After meeting with the Complainant, the Vice-President, Student Life and Leadership, or Designate, will notify the Respondent either by Loyalist College email, campus mail, or Express Post to: 1) inform the Respondent that a complaint has been filed; 2) schedule a meeting to review the details of the complaint and to indicate the relevant parts of the Code related to the complaint; and 3) identify sources of College support for the Respondent.
5. Normally, the Vice-President, Student Life and Leadership, or a Designate, will notify the Respondent of the complaint within five business days of meeting with the Complainant. Such notification will be sent either by Loyalist College email, campus mail, or Express Post and shall include:
  - i. a request to meet with the Vice-President, Student Life and Leadership, or a Designate;
  - ii. advice that, should the Respondent choose not to engage in the process, the process may continue without the Respondent's participation; and,
  - iii. advice that the Respondent is not to have any contact or communication with the Complainant about the complaint.
6. Normally, the Respondent has up to five business days to:
  - i. meet with the Vice-President, Student Life and Leadership, or Designate; and,
  - ii. submit a formal response, in writing, to the complaint.

The response must be delivered to the Vice-President, Student Life and Leadership, either through the Loyalist College [conductcomplaints@loyalistcollege.com](mailto:conductcomplaints@loyalistcollege.com) address, campus mail, or by Express Post.

In the case of a student-to-student complaint, if the Respondent believes the Complainant to be in violation of the Code, the Respondent may detail the nature of the violation(s) in their response. The Respondent's counter-complaint will only be considered if it is submitted as part of the Respondent's response. No complaints against the Complainant will normally be considered after the Respondent's original response is submitted.

7. The Complainant will be given an opportunity to review the Respondent's response (normally within five business days of the Respondent submitting a written statement). The Complainant may then provide a further response (normally within five business days of being provided the Respondent's response) which will be shared with the Respondent. The

original complaint; response; counter-complaint (if any); and follow-up by the Complainant or Respondent under this paragraph may contain witness statements, if applicable.

8. Under normal circumstances (recognizing the College may take interim measures to address College concerns prior to the conclusion of the process), the entire complaints process is expected to be completed within 60 calendar days, unless one or more of the exceptions below apply:
  - i. additional time is needed to gather more details about the complaint/response (which may include meeting with witnesses);
  - ii. classes are not in session;
  - iii. the College is closed or scheduled to be closed;
  - iv. the Complainant requests to temporarily defer the complaint;
  - v. the College elects to defer the complaint because of outside legal or other legislative action.
9. During any meetings related to the processes outlined under this Code, the Complainant or Respondent may be accompanied by an Advisor of their choosing. An Advisor shall be there for moral support and shall not have an active role in any such meeting(s). Any party seeking to be accompanied by an Advisor shall provide the Vice-President, Student Life and Leadership, or Designate, with at least 24 hours notice, in writing, and via one of the communication methods noted above (i.e., Loyalist College email, campus mail, or Express Post) that an Advisor will be present and the name/contact details of the Advisor. This information shall be shared with all relevant parties participating in the process.
10. All participants are expected to maintain confidentiality outside of the meeting(s).
11. In the event of an identified conflict of interest with the Vice-President, Student Life and Leadership, or their Designate, the complaint will be referred to the Senior Vice-President Academic of Loyalist College for follow-up.

## APPENDIX C – INFORMAL RESOLUTION

The informal resolution process provides the Complainant(s) and Respondent(s) with the option of seeking a facilitated outcome to the complaint. It is meant to arrive at a common understanding of the harm done and to achieve a mutually agreeable outcome that is designed to repair or redress the harm/perceived harm. Any breakdown of the informal resolution process or any violation of the agreed upon terms will result in the matter being automatically referred to the College's Student Code of Conduct Complaints Review Panel.

### A. Overview

1. The Complainant may request an informal resolution process or the Vice-President, Student Life and Leadership, or Designate, may suggest it, and both parties (Complainant and Respondent) must both mutually agree to it. Where there is disagreement, or where the Respondent does not respond, the matter will proceed to the formal resolution process by presentation to the Student Code of Conduct Complaints Review Panel.
2. Normally, the Vice-President, Student Life and Leadership, or Designate, will facilitate the informal resolution process. At their discretion, or at the request of both parties involved, another College staff member, or members, may be called upon to facilitate. If the Vice-President, Student Life and Leadership, or Designate, is not the facilitator, every effort will be made to find a facilitator, or facilitators, who is/are mutually agreeable to the parties. Failure to find a mutually agreeable facilitator will result in the matter being referred to the Student Code of Conduct Complaints Review Panel.
3. At any point in the informal resolution process, either the Complainant or the Respondent may choose to withdraw from the process, in which case the matter will be referred to the College's Student Code of Conduct Complaints Review Panel.
4. At any point in the process, the Complainant or Respondent may elect to be accompanied by an Advisor. The Complainant or Respondent must provide the Vice-President, Student Life and Leadership, or Designate, or other facilitator(s) with the name/contact information of the Advisor, in writing, either through Loyalist College's email, campus mail, or Express Post, at least 24 hours prior to any scheduled meeting.
5. The informal resolution process is confidential and personal information or admissions shared within the process may not be used by either party against the other in another resolution process. If the parties arrive at a mutually agreeable resolution, then the resolution/agreement may be shared with appropriate third parties or decision makers, but the content of the process is to remain private and confidential.
6. The facilitator(s) will work with the parties, separately or together, to achieve a commonly agreed upon outcome. The facilitator(s) may not act as a decision maker but can make suggestions as per their role as facilitator.
7. Any outcome must be determined jointly and entered voluntarily by the parties.
8. Where a resolution is not reached, the case will be referred to the Student Code of Conduct Complaints Review Panel established under this Code. Likewise, if an agreement is reached but not ultimately followed by either party, the matter will be referred to the Student Code of Conduct Complaints Review panel. If necessary, the Vice-President, Student Life and

Leadership, may impose interim measures as needed to ensure the principles of the Code are adhered to by all parties.

## B. Informal Resolution Process

1. Once the Vice-President, Student Life and Leadership, or Designate, has confirmed the Complainant wishes to resolve the matter informally, they will notify the Respondent of the complaint and the Complainant's desire to resolve the matter informally. The Vice-President, Student Life and Leadership, or Designate, will invite the Respondent to meet in person to discuss the nature of the complaint and the details of the Informal Resolution process:
  - i. If the Respondent agrees to participate in the Informal Process, the process will continue as outlined in paragraph 2 below.
  - ii. If the Respondent does not agree to participate, the matter will be referred to the Student Conduct Complaints Review Panel for formal resolution.
2. After meeting with the Respondent to outline the nature of the complaint and the Complainant's desire to resolve the matter informally, the Vice-President, Student Life and Leadership, or Designate, or appointed facilitator(s), will meet with the Complainant, the Respondent, and any relevant witness(es), separately or jointly as required to facilitate the process. The process allows for multiple meetings, if required, provided the meetings remain constructive and are working positively to resolve the matter. The purpose of the meeting(s) is:
  - i. to better understand the nature and impact of the harm;
  - ii. to make the Respondent aware of the harmful impact on the Complainant; and
  - iii. to assess the potential for arriving at a mutually agreeable outcome that addresses the harm.
3. Following the initial set of meetings with the Complainant and the Respondent, the Vice-President, Student Life and Leadership, or Designate, or appointed facilitator(s), will present to the Complainant and Respondent, possible courses of action with respect to achieving a resolution. These may include, but are not limited to, any of the following:
  - i. measures designed to acknowledge the impact of the harm and prevent reoccurrence;
  - ii. a proposal from the Respondent that includes goals and a timeline for tasks to be undertaken to:
    - a. prevent reoccurrence, and,
    - b. repair the harm caused by the incident leading to the complaint;
  - iii. a conciliation meeting in which the Complainant/Respondent involved do not meet face-to-face, but information is shared back and forth by the Vice-President, Student Life and Leadership, or Designate, or appointed facilitator(s);
  - iv. a mediation with both the Complainant and Respondent present in which the Vice-President, Student Life and Leadership, or Designate, or

- facilitator(s) encourages an exploration of the behaviour, its root causes, the effect on others, and possible remedies;
- v. agreed upon administrative recommendations/sanctions designed to remedy the harm that has been caused.
4. Each part of the Informal Resolution process must be agreed upon by all parties including:
    - i. developing and agreeing to a set of expectations that ensures everyone has a fair opportunity to participate and is respected in the process;
    - ii. working together to define the topics that will be discussed or topics that will not be discussed through the process due to the sensitivity of the topic;
    - iii. deciding on how the process will proceed including the steps involved in the process, who to involve, when and where to meet, and how communications will be facilitated; and
    - iv. agreeing to outcomes that satisfy those who have been impacted.
  5. The process will take the form of one or more discussions, as noted above, with those who are directly involved agreeing that:
    - i. all participants are expected to approach the process with an open mind, a willingness to listen, and a genuine desire to better understand what has happened and its impact;
    - ii. conversations will be constructive in nature to bring about new insight into what happened, what it meant to those involved, and what should happen next; and
    - iii. that due to the possibility of the matter being emotional for the part involved, each participant will engage in a thoughtful and reflective manner; work towards de-escalation of any tensions; treat all parties with respect; and focus any blame on the situation rather than on the individual.
  6. The process will normally be concluded within 60 calendar days but may be extended should it be acceptable to all parties if the conditions noted in Appendix B are presented.
  7. The matter will be deemed to be resolved when the process comes to a natural end with the outcomes having been reasonably fulfilled, and all parties agreeing it has been reasonably resolved.
  8. A brief written summary will be provided by the Vice-President, Student Life and Leadership, or Designate, or facilitator(s) to the Complainant and the Respondent and a copy shall be kept in the Vice-President, Student Life and Leadership's office.

## APPENDIX D - FORMAL RESOLUTION – SOLE DECISION-MAKER

Complaints that do not lend themselves to the Informal Resolution process outlined in Appendix C due to the need for more immediate action or arising from the need for an expanded investigation; confidentiality concerns; timing concerns; concerns arising because of threats to the individual or community; or other concerns as determined relevant by the Vice-President, Student Life and Leadership, or Designate, may be referred to the Sole Decision Maker process.

### A. Overview – Sole Decision Maker Resolution

Complaints that are normally subject to a Sole Decision-Maker resolution are those that may require an expanded investigation, sensitivity around confidentiality, or more immediate action because of concern for an individual or the Loyalist community.

The Sole Decision-Maker process may also be used when the matter is a relatively simple matter (e.g., a simple administrative fine has been issued for a relatively minor breach of the Code), the College is the Complainant, or when a complaint is received during periods when the Student Code of Conduct Complaints Review Panel is unavailable (e.g. after the end of classes, outside the regular academic year, or when the Complaints Review Panel is unable to meet due to student or staff absences – see Appendix “G” for more details).

In such instances, the Vice-President, Student Life and Leadership, or Designate, will normally utilize the Sole Decision-Maker process to resolve the complaint. If the Vice-President, Student Life and Leadership is perceived to be in a conflict-of-interest position, then the matter will be referred to the Senior Vice-President, Academic.

### B. Process

When the Sole Decision-Maker process is undertaken, the Vice-President, Student Life and Leadership, or Designate, will notify all parties as outlined in Appendix B, as necessary. For cases involving allegations of danger to individual or community safety, the Vice-President, Student Life and Leadership, or Designate, may order interim sanctions or emergency measures be imposed until the matter can be fully resolved.

1. The Vice-President, Student Life and Leadership, or Designate, will take the appropriate steps to ascertain the facts of the matter by meeting separately with each party, and as appropriate, with any relevant witnesses that have been identified.
2. The Vice-President, Student Life and Leadership, or Designate, may call upon other witnesses based on information gathered over the course of the investigation. In some cases, it may be necessary for parties to be interviewed more than once.
3. If new information comes to light because of the information provided by the Respondent or the Respondent’s witness(es), the Vice-President, Student Life and Leadership, or Designate, may deem it required to meet again with the Complainant or any previously interviewed witness(es) for the purpose of clarifying their original statements.
4. In the case of a student-to-student complaint, if the Respondent submits a counter-complaint, the Vice-President, Student Life and Leadership, or Designate, will decide on both complaints at the same time.

5. Where a meeting has been scheduled between a Respondent and the Vice-President, Student Life and Leadership, or Designate, but the Respondent does not attend despite having been informed of the meeting, in writing, the Vice-President, Student Life and Leadership, or Designate, may proceed in the Respondent's absence, and decide based on the information already received and reviewed.
6. Where a meeting has been scheduled between a Complainant and the Vice-President, Student Life and Leadership, or a Designate, despite the Complainant having been informed of the meeting, in writing, the Vice-President, Student Life and Leadership, or Designate, will not proceed with the complaint unless there is reason to believe there is an ongoing threat to the health and safety of an individual or the broader Loyalist community.
7. The Vice-President, Student Life and Leadership, or Designate, reserves the right to call upon additional College staff members as may be needed to assist with or lead the investigative/review process. The Vice-President, Student Life and Leadership, or Designate, will review other relevant policies and utilize those policies that apply in all the circumstances. In matters involving suspected criminal activity, the Vice-President, Student Life and Leadership, or Designate, reserves the right to notify the appropriate legal authorities.
8. Under normal circumstances, each progressive step in this process will take five business days except for a final decision by the Vice-President, Student Life and Leadership, or Designate, which may take up to ten business days. Normally, the entire process will take no longer than 60 calendar days to resolve.
9. If, at any time, the Vice-President, Student Life and Leadership, or Designate, determines the complaint no longer falls within the scope or cannot be dealt with effectively by the Sole Decision-Maker process, the Vice-President, Student Life and Leadership, or Designate, may refer the matter to the Student Code of Conduct Complaints Review Panel.

### C. Decision

1. If the Respondent is found to be not responsible, the file will be closed. If the Respondent is found to be responsible, then sanctions may be imposed, as necessary.
2. The Vice-President, Student Life and Leadership's, or Designate's, decision will normally be communicated, in writing, to both the Complainant and the Respondent within five business days of the decision being made. This will include:
  - i. a summary of the complaint and a finding with regards to responsibility, including the reasons for the decision;
  - ii. a description of the outcomes/sanctions, if any, that are to be imposed;
  - iii. a timeframe and process for any applicable follow-up;
  - iv. an explanation of the appeals process; and
  - v. a reminder that the proceedings are to be considered confidential and matters discussed throughout the process are not to be discussed outside the meetings held in accordance with this process.

### D. Standard of Proof

The standard of proof required to determine there has been a breach of this Code will be on a balance of probabilities, meaning the decision maker has determined that the evidence shows

it is more likely than not that the alleged events or harm occurred and that such events or harm constitute a breach of this Code. Failure to meet this standard will result in the complaint being denied.

## APPENDIX E - FORMAL RESOLUTION – STUDENT CODE OF CONDUCT COMPLAINTS REVIEW PANEL

The Student Code of Conduct Complaints Review Panel process provides a confidential forum for the Complainant and Respondent to present their arguments before a decision-making panel made up of College representatives. The panel will consider the arguments, including information received from witnesses or other relevant information, and then determine responsibility which may include a finding of no responsibility or responsibility. When a finding of responsibility is made, sanctions may apply, as appropriate.

### A. Conduct Complaints Review Panel Referral

Complaints that are not initiated under the informal or sole decision-maker processes shall be referred to the Complaints Review Panel by the Vice-President, Student Life and Leadership, or Designate, in accordance with this Code.

### B. Notification of Conduct Complaints Review Panel Hearings

The Student Code of Conduct Complaints Review Panel will normally hear the case within 20 business days from the day the Vice-President, Student Life and Leadership, or Designate, notifies the respondent of the complaint. The Vice-President, Student Life and Leadership, or Designate, will be responsible for notifying the parties of the date, time, and place of the hearing.

### C. Process

1. The purpose of the Student Code of Conduct Complaints Review Panel is to provide a fair evaluation of the complaint and to determine whether the Respondent is responsible for violating College regulations and to assign sanctions, as appropriate, in the case where a Respondent is found responsible.
2. Student Code of Conduct Complaints Review Panel hearings are held in private (i.e., restricted to parties that have a direct role or interest in the hearing, e.g., Complainant and Respondent, or parties who are acting as Advisor(s)). At the discretion of the panel, other parties may be admitted to the hearing for training purposes; to act as a moral support for those who have a direct interest in the hearing; or for other reasonable considerations.
3. After the Complainant and Respondent have each had an opportunity to view the other's statements or responses, the Vice-President, Student Life and Leadership, or Designate, will submit all documentation and supporting evidence to the Student Code Conduct Complaints Review Panel. The Student Code of Conduct Complaints Review Panel will have five business days to review the information before scheduling a hearing.
4. Normally, the Complainant and Respondent will receive at least three business days notice of the date, time, and location of the Student Code of Conduct Complaints Panel hearing. Where there are circumstances that warrant more urgent handling, the notice period may be shortened at the discretion of the Vice-President, Student Life and Leadership, or Designate, after consultation with the Chair of the Student Code of Conduct Complaints Review Panel. For further clarity, the decision to shorten the notice period can only be made in circumstances where an individual's or the community's interests are threatened or otherwise at risk. The Vice-President, Student Life and Leadership, or Designate, will send

the hearing notice to the Complainant and Respondent either by Loyalist College email, campus mail, or Express Post. The Complainant and Respondent are responsible for notifying their witnesses, if any.

5. To ensure due process, including fairness of the process, the Student Code of Conduct Complaints Review Panel shall observe the following procedural guidelines:
  - i. The hearing will proceed in stages with the Complainant and the Complainant's witnesses presenting to the Student Code of Conduct Complaints Review Panel first. The Respondent and the Respondent's witnesses will present themselves before the Student Code of Conduct Complaints Review Panel following the presentation by the Complainant and the Complainant's witnesses.
    - a. Following the Respondent's presentation, and at the discretion of the Student Code of Conduct Complaints Review Panel, the Complainant or the Complainant's witnesses may be asked to present again. Equally, the Respondent or the Respondent's witnesses can be asked to present for a second time.
    - b. Witnesses for either the Complainant or the Respondent shall not be present in the hearing room prior to or after presenting their information or responding to questions by the Student Code of Conduct Complaints Review Panel members. This is to avoid the potential of a witness being influenced by another's presentation.
    - c. Neither the Complainant nor the Respondent shall have the right to question witnesses during the hearing. All questioning will be by the Student Code of Conduct Complaints Review Panel members.
  - ii. In the event of a counter-complaint, where the Complainant and the Respondent have both registered complaints against the other, the Student Code of Conduct Complaints Review Panel shall hear both complaints simultaneously.
  - iii. The Respondent will be given an opportunity to admit or deny responsibility, in whole or in part.
  - iv. Both the Complainant and the Respondent will have the opportunity to make suggestions to the Student Code of Conduct Complaints Review Panel as to the remedies or sanctions, if any, they believe are appropriate in all the circumstances.

#### D. Hearing Operations

1. The Student Code of Conduct Complaints Review Panel Chair will be responsible for chairing hearings.
2. Panel members will select one member to serve as the Recording Secretary for the hearing. Such selection to be made on a simple majority vote of Panel members.
3. In circumstances when a hearing continues over time and a Panel member becomes unavailable, the remaining Panel members may complete the proceeding. If the missing

Panel member is the Student Code of Conduct Complaints Review Panel Chair, the remaining Panel members will select a new Chair for the hearing. Such selection to be made on a simple majority vote of remaining panel members.

#### E. Decision

1. In making decisions, the Student Code of Conduct Complaints Review Panel will operate based on consensus. Where consensus cannot be reached, a vote will be taken. A majority vote will determine responsibility or no responsibility. In the event of a tie, the Student Code of Conduct Complaints Review Panel Chair will cast a deciding vote.
2. The Student Code of Conduct Complaints Review Panel decision will normally be communicated, in writing, either by Loyalist College email, campus mail, or Express Post to both the Complainant and the Respondent within five business days of the decision being made. This communication will include:
  - i. a summary of the complaint and a finding with regards to responsibility, including the reasons for the decision;
  - ii. a description of the outcomes/sanctions, if any, that are to be imposed;
  - iii. a timeframe and process for any applicable follow-up;
  - iv. an explanation of the appeals process; and
  - v. a reminder that the proceedings are to be considered confidential and matters discussed throughout the process are not to be discussed outside the meetings held in accordance with the Code.

#### F. Standard Of Proof

The standard of proof required to determine there has been a breach of this Code will be on a balance of probabilities, meaning the decision maker has determined that the evidence shows it is more likely than not that the alleged events or harm occurred and that such events or harm constitute a breach of this Code. Failure to meet this standard will result in the complaint being denied.

#### G. Student Responsibilities for Hearings

It is a student's responsibility in relation to a hearing to:

1. Notify witnesses of the date, time, and location of the hearing. Only witnesses whose names or statements were included in the original submission of documents and information to the Student Code of Conduct Complaints Review Panel may normally participate in the hearing.
2. Advise the Student Code of Conduct Complaints Review Panel, through the Vice-President, Student Life and Leadership, or Designate, in writing through Loyalist College email, campus mail, or Express Post, whether they will be bringing an advisor to the hearing. The name, title, and contact details of the Advisor must be provided to the Vice-President, Student Life and Leadership, or Designate, at least 24 hours in advance of any hearing or meeting related to the hearing, unless this requirement is waived by the Vice-President, Student Life and Leadership, or Designate. This information will be shared with all relevant parties.
3. Respondents are expected to attend hearings in person, or virtually, even if they have an Advisor. Failure to attend a hearing does not preclude the Student Code of Conduct

Complaints Review Panel proceeding in the absence of the respondent and deciding based on the information available at the time of the hearing.

4. Select an Advisor, if wanted, who can attend the hearing as scheduled. Failure of an Advisor to attend will not prevent a hearing from proceeding in the absence of any such Advisor.
5. Provide the Student Code of Conduct Complaints Review Panel, through the Vice-President, Student Life and Leadership, or Designate, with their current contact information. If a student, either Complainant or Respondent, fails to receive notice under this Code by reason of the student's own failure to provide current contact information, such notice shall be deemed as being given notwithstanding the student's failure to receive same.

#### H. Reasonable Apprehension of Bias/Conflict of Interest

Students have the right, before the merits of a complaint are heard, to challenge the suitability of any decision-maker hearing the complaint if there is a reasonable apprehension of bias or perceived conflict-of-interest. If such a challenge is made, the entire Student Code of Conduct Complaints Review Panel, absent the decision-maker whose impartiality is being questioned, will determine if the charge of reasonable apprehension of bias or conflict-of-interest is valid. Such decision shall be final. If no reasonable apprehension of bias or conflict-of-interest is found, the hearing shall proceed with all panel members as originally determined. If a reasonable apprehension of bias or conflict-of-interest is found, the hearing will be rescheduled, and a new Panel member provided. Or, if all parties agree, the hearing will proceed minus the participation of the Panel member against whom a reasonable apprehension of bias or conflict of interest has been found.

#### I. Postponement

1. A hearing may be postponed, at the discretion of the Student Code of Conduct Complaints Review Panel, if it has independent reasons to do so or upon the request of one of the parties, provided the party satisfies the Panel that the postponement is necessary for a fair hearing to be held. When deciding whether to grant a postponement, the Complaints Review Panel shall consider the following factors:
  - i. the timeliness of the request;
  - ii. the adverse impact, if any, on other parties to the hearing;
  - iii. whether postponements of the hearing have been previously granted;
  - iv. the consent, lack thereof, of the parties; and
  - v. any other relevant factors.
2. The party seeking the postponement must submit their request, in writing, no later than 24 hours before the time of the hearing, to the Complaints Review Panel through the Vice-President, Student Life and Leadership, or Designate. The request must include:
  - i. the reason(s) for the request; and
  - ii. any additional information that may help the Panel to make its decision.

The Vice-President, Student Life and Leadership, or Designate, will forward the request to the Student Conduct Complaints Review Panel members and to the Respondent. The Respondent shall have the opportunity to respond to the request through the Vice-President, Student Life and Leadership, or Designate, in writing and upon receiving the request, to register their

support or opposition to the request. Any response will be forwarded to the Student Code of Conduct Complaints Review Panel and to the Complainant. Failure to respond does not preclude the panel from considering the request. The decision of the Panel will be communicated through the Vice-President, Student Life and Leadership, or Designate, to the Complainant and Respondent.

3. Where possible, the Student Code of Conduct Complaints Review Panel will consider the request in advance of the original hearing date. Where this is not possible, the Panel may consider the request as a preliminary matter to the hearing, on the date of the original hearing. In such cases, both parties should be ready to proceed as originally scheduled. Should the Complaints Review Panel decide the matter is to be postponed, then the parties will be informed, in writing, and the hearing will be rescheduled as needed. If the Complaints Review Panel's decision is to reject the application for postponement, the hearing will proceed as originally scheduled. NOTE: Consent of the parties does not preclude the Panel from deciding to proceed with the hearing as originally scheduled.

#### J. Student Code of Conduct Complaints Review Panel Composition

1. The full membership of the Student Code of Conduct Complaints Review Panel consists of two students, two faculty members and two staff members (one administrative staff member and one support staff member) appointed by the Vice-President, Student Life and Leadership.
2. Student Code of Conduct Complaints Review Panel Terms of Service:
  - i. Student members of the Student Code of Conduct Complaints Review Panel shall serve for a minimum of one year and a maximum of two years, normally from September-June of each year. Student members can be reappointed for one further term of two years. Further re-appointment is not possible until at least one year has passed from the date of last service.
  - ii. Faculty members of the Student Code of Conduct Complaints Review Panel will serve for a minimum of two years and a maximum of four years, normally from September-June of each year. Further re-appointment is not possible until at least one year has passed from the date of last service.
  - iii. Staff members of the Student Code of Conduct Complaints Review Panel will serve for a minimum of two years and a maximum of four years, normally from September-June of each year. Further re-appointment is not possible until at least two years have passed from the date of last service.
3. The Student Code of Conduct Complaints Review Panel will select one member to serve as the Complaints Review Panel Chair. The Chair will serve as a liaison between the Student Code of Conduct Complaints Review Panel and the Vice-President, Student Life and Leadership's, or Designate's, office.
4. Unless otherwise stipulated, the Student Code of Conduct Complaints Review Panel will meet at the call of the Vice-President, Student Life and Leadership, or Designate, as appropriate.

## APPENDIX F - FORMAL RESOLUTION – STUDENT CODE OF CONDUCT APPEALS PANEL

### A. Grounds For Appeal

1. A right to appeal is not automatic but must be based on grounds as outlined below. The Complainant or the Respondent may only appeal a decision made under this Code on one or more of the following grounds:
  - i. a significant error occurred where the procedures outlined in this Code were not followed correctly. Such errors must be substantive in nature and ones which could have affected the outcome of a complaint. Mere clerical errors will not normally constitute a significant error;
  - ii. clear evidence of bias or significant conflict-of-interest on the part of a decision-maker;
  - iii. the outcome is patently unreasonable based on the evidence provided; or
  - iv. there is significant new evidence that was not available at the time of the decision, and which has the potential to change the original decision. Failure to present evidence that was available at the time of the original review but not presented does not constitute new evidence.

NOTE: Mere disagreement with a decision does not constitute a valid ground for appeal.

2. The grounds for appeal, including all supporting information, must be described and delivered, in writing, and by email to [conductcomplaints@loyalistcollege.com](mailto:conductcomplaints@loyalistcollege.com) within five business days following the date the original decision was issued. The Vice-President, Student Life and Leadership, or Designate, shall forward the materials to the College Appeals Panel, with copies to the Respondent, as necessary.
3. All appeals under this Code will be directed to the Student Code of Conduct Appeals Panel for review.
4. Decisions of the Appeals Panel are final, and no further appeal shall be heard or permitted.

### B. Initial Assessment of the Appeals Materials

1. The Student Code of Conduct Appeals Panel will do an initial assessment of the submitted materials to determine if sufficient grounds have been provided to hold an Appeals Panel hearing.
2. If it is determined the grounds for an appeal are not present, the appeal will be dismissed. The decision of the Appeals Panel is final and cannot be further appealed.
3. If the appeal is granted, the Appeals Panel will conduct a hearing. Unless there are exceptional circumstances, the appeal will be heard within 10 business days of the date of the appeal's submission. The Appeals Panel shall give the Appellant and Respondent at least three business days notice of the date, time, and place of a hearing, and may be conducted as the following:
  - i. Oral hearing – the parties may have the opportunity to present their case, in person or virtually (where necessary), to the Appeals Panel members.

- ii. Written Submission hearing – the parties may have the opportunity to present their case solely in writing and the Appeals Panel members will review and render a decision.
  - a. Hearings will follow the general procedural guidelines as outlined in **Appendix E – Formal Resolution – Student Code of Conduct - Complaints Review Panel** and as modified for alignment with the structure and purpose of the Appeals Panel.
  - b. It is not the purpose of an appeal hearing to re-hear the case. The scope of the hearing will be limited to the Appellant making a case that the ground(s) of appeal has/have been met and the Respondent’s response, if any.
  - c. It is at the discretion of the Appeals Panel whether any parties beyond the Appellant or Respondent shall be invited to participate in a hearing.
- iii. The decision to hold an oral hearing or to have the hearing solely based on written submissions, or a combination of oral and written, shall be at the sole discretion of the Appeals Panel.

### C. The Decision

The Student Code of Conduct Appeals Panel will render a written decision no more than five business days from the conclusion of the hearing. The Appeals Panel has the authority to do the following:

- i. Affirm or modify the Student Code of Conduct Complaints Review Panel’s decision, including affirming, reducing, or increasing the sanctions assigned by the Student Code of Conduct Complaints Review Panel.
- ii. Order the Student Code of Conduct Complaints Review Panel to conduct a new hearing or reconsider some aspect(s) of the original decision.

The decision(s) of the Appeals Panel will be delivered to the Appellant, the Respondent, and the Vice-President, Student Life and Leadership, or Designate, either by Loyalist College e-mail, campus mail, or Express Post. The decision will be filed with the Vice-President, Student Life and Leadership’s office. The Appeals Panel’s decision is final and not subject to further appeal.

If a new hearing is granted, then the subsequent decision of the Student Code of Conduct Complaints Review Panel will be final and not subject to further appeal.

### D. Suspension Of Sanctions

1. Only monetary sanctions are automatically suspended pending the outcome of an appeal. Non-monetary sanctions shall remain in force and effect pending the outcome of the appeal.
2. For appeals of Student Code of Conduct Complaints Review Panel decisions, the Appellant may submit a written request to the Vice-President, Student Life and Leadership, or Designate, to stay (i.e., suspend) the enforcement of the sanctions pending the outcome of the appeal.

3. For appeals of Sole Decision-Maker decisions, the Appellant may submit a written request to the Vice-President, Student Life and Leadership, or Designate, to stay (i.e., suspend) the enforcement of the sanctions pending the outcome of the appeal. If the Vice-President, Student Life and Leadership, or Designate, is the original decision-maker, the request to stay the enforcement of sanctions shall be made to the Senior Vice-President Academic.

#### E. Student Code of Conduct Appeals Panel Composition

1. The full membership of the Student Code of Conduct Appeals panel shall consist of one student; one faculty member; and one staff member (administrative or support staff) appointed by the Vice-President, Student Life and Leadership, or Designate. The Appeals Panel shall be formed on an appeal-by-appeal basis. The Appeals Panels should be formed on an *ad hoc* basis (i.e., the Appeals Panel should be formed to address appeals on an as-needed basis rather than members being appointed for a set term).
2. An Appeals Panel will normally consist of all members being present. Should any member not be able to attend, the Vice-President, Student Life and Leadership, or Designate, shall appoint an ad hoc member from the same constituency of the missing panel member.
3. No member of the Appeals Panel will have served on the Student Code of Conduct Complaints Review Panel that heard the original case.
4. Students have the right, before the merits of a complaint are heard, to challenge the suitability of any decision-maker hearing the appeal if there is a reasonable apprehension of bias or perceived conflict-of-interest. If such a challenge is made, the entire Appeals Panel, absent the decision-maker whose impartiality is being questioned, will determine if the charge of reasonable apprehension of bias or conflict-of-interest is valid. Such decision shall be final. If no reasonable apprehension of bias or conflict-of-interest is found, the hearing shall proceed with all panel members as originally determined. If a reasonable apprehension of bias or conflict-of-interest is found, the hearing will be rescheduled, and a new Panel member provided. Or, if all parties agree, the hearing will proceed minus the participation of the Panel member against whom a reasonable apprehension of bias or conflict-of-interest has been found.

## APPENDIX G – PROCESS OUTSIDE THE REGULAR ACADEMIC YEAR

For complaints that arise after the end of classes; end of exams; between terms, or outside the regular academic year (normally defined as the period from the first day of classes in the fall term to the end of exams in the summer term – excluding periods when the College is closed or classes are suspended); or at a time when the Student Code of Conduct Complaints Review Panel is unable to meet, the Vice-President, Student Life and Leadership, or Designate, will, as appropriate, work to resolve the matter according to the Sole Decision-Maker process. In these cases, the usual timeline(s) for response and resolution may require adjustment due to student or staff absences, holidays, availability of witnesses, etc. In cases where the complaint can be referred to the Student Code of Conduct Complaints Review Panel for resolution at the start of a new academic term or year without any disadvantage to the Complainant or Respondent, the Vice-President, Student Life and Leadership, or Designate, shall defer the complaint to that term or year.

## APPENDIX H – EMERGENCY MEASURES

1. Loyalist College reserves the right to intervene in cases where a student's behaviour is reasonably seen as affecting others' use and enjoyment of College programs, privileges, rights, and facilities. These circumstances include, but are not limited to, those where there are reasonable grounds to believe the safety of others is endangered due to a high potential of physical harm; there is a potential of damage to College property; or the continued presence of the student would be unduly disruptive to individuals within the Loyalist community or unduly disruptive to the Loyalist community overall.
2. In such cases, the Vice-President, Student Life and Leadership, or Designate, may invoke emergency measures by immediately imposing a range of restrictions, up to and including temporary suspension from the College. In cases where a conflict-of-interest or a reasonable apprehension of bias may be perceived on the part of the Vice-President, or Designate, the Vice-President, Student Life and Leadership, or Designate, shall refer the matter to the Senior Vice-President Academic.
3. The Vice-President, Student Life and Leadership, or Designate, may limit a student's access to the College until a comprehensive threat assessment can be conducted by qualified professionals.
4. Normally, a formal hearing before the Student Code of Conduct Complaints Review Panel or a Sole Decision-Maker, as appropriate, will be held within 10 business days of notice to the student of the emergency measures' decision. During this time, the student may only enter residence or campus under escort where appropriate permission(s) have been sought and granted. Other interim conditions may include, but are not limited to, restrictions on a student's movement on-campus; no contact/communication orders; or suspension of student privileges; notification of external authorities (e.g., the police).
5. The Vice-President, Student Life and Leadership, or Designate, may extend emergency measures until the Student Code of Conduct Complaints Review Panel or the Sole Decision-Maker can reasonably hear the complaint. Normally, this will occur for a period not exceeding 30 business days from the date of the original imposition of emergency measures.
6. Any emergency measures imposed are not to be considered as evidence of guilt but, rather, as interim measures to deal with a reasonable perception of potential harm until the matter(s) can be fully resolved under this Code.
7. If the College is made aware that criminal proceedings have been initiated against a student, and the student's activity negatively impacts or may negatively impact campus safety or other College interests, the Vice-President, Student Life and Leadership, or Designate, will determine if there are grounds for pursuing emergency measures under this Code.

## APPENDIX I – SAMPLE LEVELS OF BREACH

Level	Behaviour: Examples	Type of Response: Examples	Procedure
<p><b>Level I</b> – Behaviours which interfere with the legitimate rights of any Loyalist College Community Member to pursue academic study or student life in a safe, respectful, and productive environment.</p>	<p>Examples may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>- Verbal abuse</li> <li>- Smoking tobacco in non-designated areas</li> <li>- Use of cannabis on college property</li> <li>- Substance impairment leading to disruptive behavior</li> </ul>	<p>Depending on severity, the sanctions may be, but are not limited to:</p> <ul style="list-style-type: none"> <li>- Alcohol probation</li> <li>- Apology</li> <li>- Behaviour Contract</li> <li>- Fines</li> <li>- No communication or contact order</li> <li>- Reduced privileges</li> <li>- Written warning, to be included in student’s non-academic file</li> </ul>	<p>Behaviours in Level 1 are decided by the relevant College representative. Appeals of any such decision are to be made to the representative’s College Supervisor and any decision by the College Supervisor shall be deemed as final and not subject to further appeal.</p> <p>All incidents must be reported to the Vice-President, Student Life and Leadership office and may form the basis of a complaint under the Student Code of Conduct.</p>
<p><b>Level II</b> – Behaviours which endanger the safety or security of Loyalist College community members or property, or that may be harmful to the physical or psychological well-being of community members.</p>	<p>Examples may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>- Bullying and harassing conduct</li> <li>- Damage to Loyalist College or community member’s property.</li> <li>- Threatening behaviour</li> <li>- Aggressive outbursts, either verbal or physical</li> </ul>	<p>Depending on severity, the sanctions may be, but are not limited to:</p> <ul style="list-style-type: none"> <li>- Alcohol probation</li> <li>- Apology</li> <li>- Ban from Residence/Campus</li> <li>- Behaviour Contract</li> <li>- Bond</li> <li>- Community Service hours</li> <li>- Educational assignment</li> <li>- Fines</li> <li>- Interim measures</li> <li>- No communication or contact order</li> <li>- Reduced Privileges</li> <li>- Referral</li> <li>- Restitution</li> <li>- Written Warning</li> </ul>	<p>Informal Resolution procedure or Formal Resolution Procedure.</p> <p>All incidents must be reported to the Vice-President, Student Life and Leadership office and may form the basis of a complaint under the Student Code of Conduct.</p>

<p><b>Level III – Behaviour that is illegal and for which municipal, provincial, or federal laws may apply.</b></p>	<p>Examples may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>- Physical assaults against another person (e.g., pushing, kicking, punching, hitting, etc.)</li> <li>- Threat to injure self or others (verbal or written)</li> <li>- Weapons possession including replicas</li> <li>- Use or selling of prescribed medicine(s)</li> </ul>	<p>Depending on severity, the sanctions may be, but are not limited to:</p> <ul style="list-style-type: none"> <li>- Administrative Move/Relocation</li> <li>- Alcohol Probation</li> <li>- Apology</li> <li>- Ban from residence/campus</li> <li>- Behaviour Contract</li> <li>- Bond</li> <li>- Community Service hours</li> <li>- Educational Assignment</li> <li>- Expulsion from Residence or the College</li> <li>- Fines</li> <li>- Interim Measures</li> <li>- No communication or contact order</li> <li>- Non-academic suspension</li> <li>- Reduced privileges</li> <li>- Referral</li> <li>- Restitution</li> <li>- Written Warning</li> </ul>	<p>Formal Resolution Procedure.</p> <p>All incidents must be reported to the Vice-President, Student Life and Leadership office and may form the basis of a complaint under the Student Code of Conduct.</p>
<p><b>Level IV – Emergency Measures</b></p> <p>Serious behaviour that is reasonably seen as posing a threat to the safety of others due to a high potential for physical harm to other members of the Loyalist community; high potential of damage to College property; or the continued presence of the student would be unduly disruptive to individuals within the Loyalist community or unduly disruptive to the Loyalist community, overall.</p>	<p>Examples may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>- Potential for serious bodily harm or death</li> <li>- Use of a weapon</li> <li>- Behaviour is reasonably seen as being unduly disruptive</li> </ul>	<p>Depending on severity, the sanctions may be, but are not limited to:</p> <ul style="list-style-type: none"> <li>- Administrative Move/Relocation</li> <li>- Emergency Measures, including suspension from the College</li> <li>- Expulsion from Residence or the College</li> <li>- Fines</li> <li>- Interim Measures</li> <li>- No communication or contact order</li> <li>- Non-academic suspension</li> <li>- Reduced privileges</li> <li>- Referral</li> <li>- Restitution</li> <li>- Violence Threat Risk Assessment</li> <li>- Written Warning</li> </ul>	<p>Formal Resolution Procedure under the Student Code of Conduct.</p> <p>All incidents must be reported to the Vice-President, Student Life and Leadership office who will be responsible for informing the College Executive of the risk and the steps taken to mitigate same.</p>

## APPENDIX J – RECORDS AND RECORDS RETENTION

Records of charges and sanctions, other than suspension or expulsion, will not be placed in a student's academic record. Records of informal resolutions will be kept as part of student's non-academic file until their graduation, after which such records will be destroyed.

Records of formal resolutions, including charges and sanctions, will be maintained as confidential records in the Office of the Vice-President, Student Life and Leadership, for up to seven (7) years after the student(s)' graduation, after which the records shall be destroyed. In cases where an individual ceases to be a student, all records of formal resolution including Sole Decision-Maker; Student Code of Conduct - Complaints Review Panel, or College Appeals Panel shall be kept for a period of seven (7) years, after which such records will be destroyed.

As per the regulations under this Code, records of previous breaches of this Code, where relevant, may be utilized to impose progressive disciplinary measures based on previous behaviour.

## APPENDIX K – GUIDELINES FOR NATURAL JUSTICE

1. The burden of proof in administrative hearings under this Code shall be on a balance of probabilities which is informally interpreted as what is most likely to have happened. If there is a belief that it is more likely than not that the incident occurred, the finding shall be the complaint is upheld. If there is a belief that it is less likely that the incident occurred, the finding shall be the complaint is denied.
2. The process should proceed as quickly as possible providing each party's right to due process is not negatively affected.
3. Each party must be given sufficient notice as outlined in this Code.
4. The student(s) must be informed of the case against them and be given the opportunity to prepare a response.
5. Both the Complainant and the Respondent have the right to be heard.
6. Each party may have an Advisor present who, normally, will be a member of the College community. An Advisor may be legal counsel outside the College. Advisors are there to support their respective party and shall have no active role (i.e., not be permitted to ask, or answer questions during any hearing and shall be present in a support capacity only). Students must inform the party conducting the hearing, in writing, including the contact details, and according to the timelines and format set out in this Code, if they plan to bring an Advisor.
7. Complainant(s) and Respondent(s) may provide witnesses during proceedings, as appropriate. Students must inform the party conducting the hearing, in writing, including the contact details, and according to the timelines and format set out in this Code, if they plan to bring a witness. Witnesses must normally appear but failure to appear does not stop the proceeding from moving forward. It is the responsibility of the party calling the witness(es) to ensure their witness(es) are notified of the time, date, and place of the meeting. The Panel hearing the complaint may also compel witnesses to attend. In this instance, it shall be the responsibility of the party hearing the complaint to ensure witnesses are aware of the time, date, and location of the hearing.
8. It is important to recognize procedures under this Code are administrative in nature and are not meant to mimic a court of law. Consequently, rules of evidence or other laws that would normally apply in a court of law may not apply, e.g., Rules regarding hearsay evidence. In hearings under this Code, hearsay evidence may be admitted provided the Sole Decision-Maker or Panel hearing the matter believes it is relevant and instructive to determining a fair and reasonable outcome for all parties.
9. Evidence of past breaches, by either party to the before the relevant decision-maker, shall not be raised unless directly relevant to the matter under review.
10. At all levels, decisions must be made promptly and reasons for any decision are to be given in writing.

11. No one can hear a complaint or participate in a decision under this Code where a reasonable apprehension of bias is, or is reasonably believed to be, present.

## APPENDIX L – RE-ENTRY PROCESS

The establishment of a Re-Entry Plan is applicable to those students who have been suspended or expelled and are seeking readmission to the College. The Re-Entry Plan references a written agreement between the student and the College that specifies the required actions which must be taken by the student in return for re-admission to the College.

Students seeking re-entry to the College following suspension or expulsion are required to contact the Vice-President, Student Life and Leadership, or Designate.

A meeting will be arranged between the student, the Vice-President, Student Life and Leadership, or Designate and the Director, Student Success (or Designate) to explore the student's circumstances and to determine whether the behaviours that led to the suspension or expulsion are now appropriately managed and no longer a source of concern. Consultation will be undertaken as appropriate. Final Re-Entry Plans are to be approved by the Vice-President, Student Life and Leadership, or Designate.

To support the student's ability to manage his or her behaviour appropriately within the learning environment, a behavioural contract may be issued which clearly outlines the expectations for the student's behaviour and the potential consequences should the student breach the terms of the behavioural contract. Behavioural contracts are reviewed and re-issued as required with the start of each subsequent semester the student attends.