

Item	6.9
Approved by	UOIT Board of Governors
Date approved	June 2010

STUDENT CONDUCT POLICY

And Disciplinary Procedures in Non-Academic Matters

1. PREAMBLE

UOIT is a community that values and promotes respect, integrity, diversity and accountability among all members of the university. These values can only be achieved in an environment that supports and protects the safety and security of its members. The UOIT Policy on Student Conduct defines and guides standards of student behaviour at the university to uphold these values and ensure that behaviour contrary to these standards are dealt with in a manner that is fair, open and effective.

2. STANDARDS OF STUDENT CONDUCT

UOIT, as part of the broader community of scholars, is devoted to generating and appreciating ideas, building on and perpetuating knowledge, and seeking out and addressing the great questions of yesterday, today and tomorrow. The words and actions of all members of the UOIT community must therefore support and promote these broader scholarly goals, advance good citizenship and contribute to an environment conducive to the personal and intellectual growth of all who study, work and live within it.

UOIT strives to provide a safe environment free of discrimination, injustice and violence by instilling in its members the values of civility, responsibility and respect. As such the university depends on all members to promptly report on any activity or behaviour that may threaten or endanger the safety and security of the community and its members.

Students at UOIT enjoy many rights and privileges and also share the responsibilities associated with being members of the university community. Students have the freedom to pursue their intellectual and personal interests provided that their actions do not limit or infringe on the rights of other members of the university or the community in which it is situated.

Students have a responsibility to familiarize themselves with the university regulations and the conduct that is expected of them while studying at UOIT, which includes but is not limited to:

- a. Abiding by university regulations, policies and by-laws and/or complying with directions of university officials, police or other law enforcement officers acting in the performance of their duties;
- b. Respecting the rights of other members of the university community who study, work and live within it and refraining from conduct that endangers the physical and mental well-being, health, safety, civil or human rights and property of self and/or others within the university community or visitors to the university;
- c. Refraining from conduct that may damage, destroy, or constitutes fraudulent use of university property;

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- d. Refraining from conduct that jeopardizes the good order and proper functioning of the academic and non-academic programs and activities of the university and its faculties and offices;
- e. Refraining from making allegations or complaints against other members of the university community that are frivolous, vexatious or made in bad faith, and from retaliating against individuals for participating in proceedings under this policy; and
- f. Abiding by federal, provincial or municipal laws.

Students are not immune from the criminal and civil laws of the wider political units to which they belong. Provisions for non-academic discipline should not attempt to shelter students from their civic responsibilities nor add unnecessarily to these responsibilities. Conduct that constitutes a breach of the Criminal Code or other statute, or that would give rise to a civil claim or action, should ordinarily be dealt with by the appropriate criminal or civil court. In cases, however, in which criminal or civil proceedings have not been taken or would not adequately protect the university's interests and responsibilities, proceedings may be brought under one or more discipline policies of the university.

Disciplinary procedures may be applied regardless of whether the alleged offence was committed knowingly or recklessly or under the influence of drugs or alcohol.

Nothing in this policy shall be construed to prohibit peaceful assemblies and demonstrations, lawful picketing, or to inhibit freedom of speech as defined by the university.

By registering at UOIT, students accept the regulations, policies and by-laws of the university and acknowledge the right of the university to take disciplinary action. The university may also define standards of professional conduct for students in programs where these are appropriate, and this policy does not replace or supersede such standards. Disciplinary action may take place based on these standards.

3. SCOPE AND AUTHORITY

This policy applies to students who are registered in any course or program of study at UOIT at the time an alleged offence takes place and are therefore bound by the regulations, policies and by-laws of the university. This policy applies to conduct which may occur on the university campuses or related to the use of university owned or run property or equipment (e.g., computer networks, telephones), as well as conduct not on a university campus but which has a real and substantial connection to the university (e.g., practicum placements, events held off campus by a student group, events supported by or publicly connected with the university, etc.), unless the matter is dealt with under other provisions governing the conduct of university members (e.g., academic conduct and professional unsuitability regulations, student residence policies, library policies, policies on integrity in research and scholarship, etc). This policy also applies to any institutions federated or affiliated with the university, where such inclusion has been agreed upon by the university and the federated or affiliated institution, with respect to the premises, facilities, equipment, services, activities, students and other members of the federated or affiliated institution.

Under the UOIT Act, the president has overall responsibility for the supervision and administration of the university, including its students. The president has assigned responsibility to the provost for establishing and overseeing procedural aspects related to student conduct and the enforcement of student discipline. The associate provost, Academic or other delegate as appointed by the provost has responsibility for ensuring that established protocols are carried out. University officials, including deans, the university librarian, the manager of Student Residences, and the director of Campus Security are also responsible for ensuring that established protocols are carried out within their areas of responsibility. The Office of Campus Safety, Public Safety and Security is responsible for the safety and security of students, staff and campus property. The manager of Student Rights and Responsibilities is responsible for implementing the procedures and carrying out investigations of alleged non-academic misconduct.

4. PROCEDURES

With respect to all alleged breaches of the UOIT standards of student conduct, students are presumed innocent until the contrary has been established. Decisions regarding the commission of non-academic misconduct are based on the balance of probabilities, which means that it must be found to be more likely than not that the offence at issue was committed by the student.

Faculty, staff or students who have reason to believe that the UOIT standards of student conduct have been breached should report the matter promptly to Campus security. In matters where issues of safety are involved, interim measures must carefully balance the needs of the student in the light of the university's overall responsibility to ensure a safe campus environment.

All efforts must be made to ensure that proceedings are handled in an expeditious manner. Timeframes, where specified, may be subject to an extension only as a result of exceptional circumstances, such as absence from the office for holidays or illness.

4.1 Incident reporting procedures

A complaint shall be prepared and signed by the complainant(s) using the Incident Report Form. The complaint must be presented to Campus security as soon as is practicable and normally within 90 days of the alleged misconduct. All incidents of violence shall be immediately reported to Campus Security. The complaint shall summarize the details of the alleged conduct, and provide as much relevant information as is known at the time. The information so provided will be held in confidence in so far as it can be allowed by the process.

Campus security, on the basis of the information provided, has the authority to take emergency measures as outlined in Section 6 (below) if the situation represents an immediate risk of harm to an individual or individuals. The Student Threat Assessment Team may also be consulted in determining the need for campus support for parties to the complaint or for general campus safety.

Campus security, in all cases, will refer the matter without delay to the manager of Student Rights and Responsibilities to investigate the complaint.

4.2 Investigation of complaints

Upon receipt of a complaint, the manager of Student Rights and Responsibilities will investigate the matter and effect a timely and appropriate response. As a part of this review, the manager will interview the complainant and the student whose conduct is being questioned as well as any witnesses to the incident, as appropriate. The student whose conduct is being questioned shall be advised of the details of the complaint and be given the opportunity to respond. They shall not be present when the manager of Student Rights and Responsibilities interviews the complainant and any witnesses.

The manager of Students Rights and Responsibilities may decide at any time that the matter will be resolved on an informal basis via mediation, and commence that process. The manager may also decide that the complaint is frivolous or vexatious on its face and therefore there is no basis to proceed further on the complaint.

On completion of an investigation the manager of Student Rights and Responsibilities shall provide the student whose conduct is being questioned with a written summary of the complaint, setting out the details of the investigation and any further allegations, evidence or relevant facts relating to the complaint, along with a recommended penalty and reasons for it, along with a copy of this policy. This summary will normally be completed within 15 working days of receiving the complaint and sent to the student at his/her university-sanctioned email address.

The manager of Student Rights and Responsibilities will also refer the complaint as appropriate to the:

- a. University official in whose area of responsibility the offence has taken place (see 4.3 below); or
- b. Associate provost, Academic (see 4.4 below).

4.3 Resolution of complaints by a university official

In the following circumstances, the manager of Student Rights and Responsibilities may refer the matter to the university official in whose area of responsibility the offence has taken place if the:

- a. Offence involves minor disruptive behaviour, misuse of equipment or resources, damage to property or facilities, and/or non compliance with any university rule, regulation or policy, provided the offence does not jeopardize the health, safety or security of members of the university community or contravene federal, provincial or municipal laws;
- b. Student has no prior offences on record;
- c. Student admits to having committed the offence; and
- d. Student consents to the penalty recommended by the manager of Student Rights and Responsibilities, which may only consist of a written reprimand and/or a conduct contract, and agrees that no appeal may be taken from this penalty.

The university official will meet with the student and manager of Student Rights and Responsibilities to review the findings and agreed-upon resolution, normally within ten days of receiving the complaint and summary of the investigation. The student is entitled to be accompanied by a campus advisor at the meeting.

The university official will then prepare a written record of the agreement to be sent to the student and the manager of Student Rights and Responsibilities. A copy of the agreement will be kept on file in the Office of the Provost and may be sent in confidence to other administrative units on a need to know basis.

If the student fails, without reasonable excuse to attend the meeting, the matter will be referred to the associate provost, Academic (see 4.4 below).

At any time, the student, the manager of Student Rights and Responsibilities or the university official may refer the matter to the associate provost, Academic.

4.4 Resolution of complaints by the associate provost, Academic

If a complaint of non-academic misconduct cannot be resolved in 4.3 above or if the matter is referred by the manager of Student Rights and Responsibilities, the student or the university official, the associate provost, Academic shall be responsible for addressing the complaint. All allegations involving the health, safety and security of self and/or others or a contravention of municipal, provincial or federal laws shall be addressed by the associate provost, Academic.

Upon receipt of a complaint and summary of the investigation from the manager of Student Rights and Responsibilities, the associate provost, Academic will schedule a meeting with the student whose conduct is being questioned to hear his/her response, normally within ten working days. The meeting will be scheduled in consultation with the student and the manager of Student Rights and Responsibilities. The student is entitled to be accompanied by a campus advisor at the meeting. If the student fails, without reasonable excuse, to attend the meeting, the associate provost, Academic may proceed to review the case in the student's absence.

The associate provost, Academic will then conduct a thorough review of the evidence and arguments and notify the parties of the decision in writing normally within ten working days of the initial meeting. The decision will include a brief summary of the complaint and issues relevant to the case, and the reasons in support of the decision. A copy of the decision will be kept on file in the Office of the Provost and may be sent in confidence to other administrative units on a need to know basis.

Procedural defects will not invalidate the proceedings unless there has been a substantial wrong or denial of natural justice.

5. PENALTIES

Students who are found to have committed an offence under UOIT's standards of student conduct may have one or more of the following disciplinary penalties imposed upon them. The severity of the penalty will be determined by the nature of the offence, the student's past record of conduct, and other relevant considerations, not limited to the following:

- a. Warning - no record
- b. Warning - noted in student's record
- c. Conduct contract
- d. Formal apology
- e. Probation
- f. Temporary suspension or eviction from one or more facilities or services of the University
- g. Restitution
- h. Community service
- i. Mandatory counseling
- j. Permanent suspension or eviction from one or more facilities or services of the University
- k. Temporary suspension or eviction from the University
- l. Dismissal from the University
- m. Such other penalties as deemed appropriate.

Students found guilty of successive acts of misconduct may receive increasingly severe penalties.

Transcript notations for non-academic misconduct will include the following notations:

- i. Suspended for non-academic misconduct [dates of suspension]; and
- ii. Permanently dismissed for non-academic misconduct.

Transcript notations for non-academic misconduct will remain on a student's academic record permanently.

6. EMERGENCY MEASURES

In cases where there is reasonable apprehension that the safety of self and/or others is endangered, damage to university property is likely to occur, or where the continued presence of the student(s) would be disruptive to the legitimate operations of the university, the director of Campus Safety or delegate is authorized to immediately suspend a student or students from the university or impose other restrictions or exclusions as necessary. These temporary measures are in no way to be construed as indicative of guilt, and shall remain in place until the charges are disposed of under this policy or such earlier time as warranted in regard to all of the circumstances.

In such circumstances, the student will be notified immediately of the temporary suspension or other restrictions or exclusions, and the reasons for it. The notification may be provided in person, in writing or sent to the student's university sanctioned email address. The student may apply to the associate provost, Academic to have the terms of the temporary measures amended or modified within ten working days of receiving the notification, and provide any additional information that may be taken into account with respect to these measures.

In all cases, every effort will be made to allow students to take examinations or submit academic papers. As appropriate, the associate provost, Academic may make special arrangements as to the time and place for the completion of such work.

7. APPEALS

The decisions of the associate provost, Academic relating to non-academic misconduct may be appealed to the Non-Academic Appeals Committee. The student will be given ten working days to gather new evidence and to submit a letter of appeal which must contain:

- a. The decision that is being appealed;
- b. The form of redress requested;
- c. The specific grounds on which the appeal is made; and
- d. A summary of the evidence in support of these grounds.

Under normal circumstances, disciplinary penalties will not be imposed prior to the appeal being decided, nor will transcripts be issued. In cases where issues of safety and security to individuals or property are involved, the Non-Academic Appeals Committee may determine that the penalty imposed by the associate provost, Academic will stay in effect until the completion of the appeal proceedings.

The Non-Academic Appeals Committee shall be constituted of the following individuals, who will be selected by the provost:

- a. Three core faculty members (with one being the designated chair); and
- b. Two university students.

Appeals shall be heard by a panel of a minimum of three Committee members, as determined by the Chair, provided that at least one student member and at least two faculty members are present.

The Non-Academic Appeals Committee panel shall normally meet on the matter within 15 working days of the filing of the written appeal. The committee may interview the complainant and the student whose conduct is being questioned, as well as any witnesses to the incident. The committee shall make a decision and communicate it in writing normally within 20 working days of its initial meeting.

In any appeal proceeding, the appealing student is entitled to be represented by one spokesperson of his or her choosing. The spokesperson may be a lawyer if the appealing student desires. Attendance at the hearings is restricted to individuals who have a direct role or interest in the proceedings, including the parties to the appeal, the members of the panel, and any witnesses at the time of their interview. The student whose conduct is being questioned has the right to be present at an appeal whenever evidence or arguments are presented.

A copy of all such appeals and decisions shall be forwarded to the student, the provost and the president of the university. The decision of the Non-Academic Appeals Committee shall be binding and no further appeal will be accepted.