



POLICY 13

Policy on Student Conduct and Discipline Procedures

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Policy 13 – Policy on Student Conduct and Discipline Procedures

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Section I – DEFINITIONS

For the purpose of this policy:

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| College | shall mean John Abbott College. |
| Student | shall mean all persons registered as students at the College. |
| College Function | shall mean in the case of students, the courses for which the student is registered, course related activities, College provided services, and all student activities sponsored, organized or authorized by the College, on or off campus. |
| Due Process | shall mean under the principles of natural justice, affected parties shall have equal and full opportunity to present their cases. Judgements rendered shall be within the spirit of this policy. |

Section II – POLICY ON STUDENT CONDUCT

Statement of Student Rights and Responsibilities

As citizens, John Abbott College students enjoy the same basic rights as do all citizens and are bound by the same responsibilities to respect the rights of others. In joining the John Abbott community, students are expected to conduct themselves in accordance with College standards designed to perpetuate its educational mission and purpose.

Free inquiry, expression and assembly are guaranteed to all students. Students have the right to freely pursue their respective educational goals and functions. It is the College's responsibility to assure, as far as possible, the resources and atmosphere which these require. Students are also free to organize their personal lives and behaviour, subject only to the law, established College policies and rules, and the stipulations of the Student Code of Conduct.

Willful or irresponsible damage, loss of College, student or staff property, and all disruptive, offensive or irresponsible behaviour by students, shall be considered detrimental to or acting against the rights of the College community. All students involved in such acts shall be dealt with according to the provisions of this policy.

Breaches of College policies, rules or violations of the Student Code of Conduct which are also breaches of the law may be dealt with in the courts. It is understood that any individual who is victim of a crime on College premises or at College functions may, independently, file a police report. The Director General, on behalf of the College, also reserves the right to lay charges or refer the matter to the proper law enforcement agency. However, if the College is involved or affected internally, these breaches of College policies, rules or violations of the Student Code of Conduct will be dealt with by the Director of Student Services or the Director of Continuing Education in accordance with the provisions of this policy regardless of whether or not individuals are charged in the courts.

Student Code of Conduct

The Student Code of Conduct is designed to ensure that all the members of the John Abbott community may exercise their rights. It is also intended to provide students, through fulfilling their responsibilities, with the opportunity to become good citizens. Consistent with these goals, reasonable efforts will be

made to foster the personal and social development of those students who are held accountable for violations of College regulations.

Students are subject to disciplinary action in all cases involving breaches of College policies, rules or general misconduct including specifically, but not limited to, the following:

- attempted or actual theft, damage or loss of College, staff, campus visitor or student property;
- vandalism, defacement or destruction of College grounds, buildings, facilities or equipment;
- unauthorized entry into campus facilities or entering College property outside of authorized hours, misuse of equipment or unauthorized removal of College furnishings to another location;
- failure to assure the security of books or equipment borrowed from the College;
- unauthorized possession, duplication or use of keys;
- misuse or abuse of the College telephone system, computers, Internet or Omnivox;
- failing to immediately vacate a building when a fire alarm is sounded;
- setting off a false fire alarm, tampering with the fire alarm system or intercom system;
- false reporting of an emergency;
- endangering the health, safety or well-being of any person;
- possession or use of dangerous materials, weapons or ammunition;
- mischief, disturbing the peace, disrupting or obstructing College functions;
- hazing or unauthorized initiation;
- unruly, disorderly, disruptive, offensive, or irresponsible behaviour;
- insults, verbal abuse, harassment, intimidation (including “cyber bullying”), coercion or threat to any person;
- physical threat, extortion (including “taxing”), abuse, aggression, assault or battery of any person;
- stalking, psychological harassment, sexual harassment or sexual assault of any person;
- malicious libel, slander or defamation of character;
- propagation of hate literature, promotion of hatred in ideas or actions, racism or sexism;
- gambling of any sort;
- public nudity, engaging in indecent or grossly immoral acts;
- smoking, consumption of food or beverages, or playing cards/games in areas where it is prohibited;
- public intoxication, unauthorized possession, use, distribution or sale of alcoholic beverages;
- possession or use of narcotics or other controlled substances except as expressly permitted by law;
- manufacture, distribution or sale of narcotics or other controlled substances;
- possession or use of drug-related paraphernalia;
- unauthorized use of the College name, logo or letterhead;
- forgery, alteration or unauthorized use of any College document, record or ID card, or presentation to the College of altered, forged or false documents;
- fraud, use of counterfeit money or any unauthorized banking/monetary transactions to pay for College fees, goods or services;
- unauthorized flyer distribution, displays, advertising, selling, solicitation or unauthorized commercial activities on College premises;
- tampering with the elections of any College-recognized student organization;
- misappropriation or misuse of student organization funds;
- knowingly and wilfully abusing a position of trust;
- counselling, inciting, aiding, being a party to, or deliberately concealing another person's misconduct;
- making false statements or furnishing false information to a College official enquiring into an allegation of misconduct;
- failure to properly identify oneself, refusal to produce an ID or failure to comply with the directives of a staff member or security officer acting in the performance of his/her duties;

- violation of federal, provincial or municipal law on College premises or at College functions;
- all other acts judged to be against the rights of the College community;
- violation of the terms of any disciplinary sanctions imposed in accordance with the Policy on Student Conduct and Discipline Procedures.

Section III – DISCIPLINE PROCEDURES

General Provisions

In order to handle all cases of student discipline involving breaches of non-academic College policies and rules, including those listed in the Student Code of Conduct, the Director General has delegated authority to the Director of Student Services for day division students and to the Director of Continuing Education for continuing education students.

In exceptional circumstances, the Director General may appoint a third party or a special committee with a 50% student membership to adjudicate a particular case. These special appointees shall act within the spirit of the present policy, shall have the same mandate, jurisdiction and powers as the Director of Student Services and the Director of Continuing Education, and shall follow the general procedures established in the present policy.

It is understood that *minor infractions* are handled routinely by the appropriate staff members. Students, however, may appeal staff decisions to the Director of Student Services or to the Director of Continuing Education.

Serious infractions are reported to the Director of Student Services or to the Director of Continuing Education for adjudication.

Students may appeal to the Director of Student Services or to the Director of Continuing Education decisions rendered by lower College judicial bodies which have limited jurisdiction over specific non-academic matters.

Cases of sexual or psychological harassment are resolved in accordance with the provisions of the Sexual Harassment Policy and the Psychological Harassment Policy.

Mandate of the Director of Student Services and the Director of Continuing Education

The mission of the College is to provide an excellent education at the collegial level; therefore, the relationship between the College and its students is an educational one. The Director of Student Services and the Director of Continuing Education shall act within the context of this educational relationship and with due process.

Both shall exercise the disciplinary function according to sound principles of human development:

- respect for the dignity of the individual;
- concern for the welfare of the individual and for the welfare of others;
- use of sanctions, if appropriate, to promote constructive behaviour change;
- the ultimate goal of the disciplinary process is the acceptance by the student of the principle of accountability for his/her actions and general behaviour.

Jurisdiction of the Director of Student Services and the Director of Continuing Education

The Director of Student Services and the Director of Continuing Education shall have the power to act on all cases involving student breaches of non-academic College policies or rules, whether these cases occur on College premises or at College-sponsored functions off campus. Specifically, the Director of Student Services (for day division students) and the Director of Continuing Education (for continuing education students) shall have the power to adjudicate in all cases involving violations of the Student Code of Conduct.

Disciplinary Actions/Sanctions

The Director of Student Services and the Director of Continuing Education shall have the power to require a student or group of students to take constructive action deemed to be compatible with the College's educational mandate.

Furthermore, the Director of Student Services and the Director of Continuing Education shall have the power to impose, in relation to the gravity of the offence, any of the following sanctions or a combination thereof:

- **Warning:** A verbal or written notice that continuation or repetition of wrongful conduct may result in disciplinary action.
- **Reprimand:** A written reprimand for misconduct or violation of specified regulations. The student receiving a reprimand is notified that continued violations will result in more severe disciplinary action.
- **Apology:** A formal apology written by a student whose conduct has been found to be reprehensible to persons, groups or organizations offended by the student's behaviour.
- **Loss of Privileges:** Revocation of specified privileges or exclusion from participation in extracurricular College activities for a designated period of time.
- **Restitution:** Reimbursement for damage to or misappropriation of property.
- **Community Work:** A penalty imposed for a serious offence. The number of hours will depend on the seriousness of the offence.
- **Fine:** A monetary amount imposed as a penalty for a serious offence.
- **Disciplinary Probation:** A specified period of time during which a student is on probation for violation of College regulations or for general misconduct. Further violation or misconduct during the probationary period will result in formal action against the student.

The Director of Student Services and the Director of Continuing Education shall also have the power to recommend to the Director General imposition of the following sanctions:

- **Suspension:** Exclusion from all College functions as set forth in the notice for a period of time normally not to exceed two (2) years. The suspension may entail exclusion from the campus. The conditions of readmission, if any, are stated in the letter of suspension.
- **Expulsion:** Termination of student status for an indefinite period and exclusion from the campus. The conditions of readmission, if any, are stated in the order of expulsion.

General Procedures

Students and staff alike may report serious violations of non-academic College policies or rules, general misconduct, or violations of the Student Code of Conduct to the Director of Student Services or the Director of Continuing Education.

The Director of Student Services/ Director of Continuing Education shall:

- provide each student involved in a discipline case with a copy of the Policy on Student Conduct and Discipline Procedures;
- hold a hearing as soon as possible and assure due process;
- treat each case on its individual merits;
- close the hearing to persons whose attendance is not required;
- advise the student or group of students involved, in writing, of the decision;
- keep official documents pertaining to the case in a confidential file;
- after a period of five (5) years or immediately following the student's graduation, whichever comes first, destroy all documents contained in the confidential file.

Exceptional cases may be referred to a third party or a special committee appointed by the Director General either at the request of the Director of Student Services or the Director of Continuing Education or at the request of the student or group of students directly concerned.

The decision of the Director of Student Services or the Director of Continuing Education shall be communicated to the person who reported the violation or misconduct, and/or to the grieved party.

The Director General will be the sole authority in the matter of information release to the public and/or the press.

In the case where individuals against whom complaints have been laid refuse to appear and/or refuse to abide by the Director of Student Services' decision or the Director of Continuing Education's decision, the Director General shall take immediate action.

In the case of a recommendation by the Director of Student Services or the Director of Continuing Education to have a student or group of students suspended or expelled from the College, the Director General shall make a determination within the spirit of the Policy on Student Conduct and Discipline Procedures and advise the student(s) in writing. If a student is under eighteen (18) years old, the Director General will advise the parents/legal guardians prior to rendering the decision.

When a student is suspended or expelled from the College, the Director of Student Services or the Director of Continuing Education will, if appropriate, refer the student/parents to the proper social agencies in order for them to receive assistance in dealing with unresolved issues or continuing problems.

Interim Suspension

In certain circumstances, the Director of Student Services or the Director of Continuing Education may impose an immediate interim suspension prior to a hearing. The hearing to decide the case shall be scheduled as soon as possible.

An interim suspension may be imposed only if one or more of the following conditions apply:

- to ensure the safety and well-being of College community members or to preserve College, staff or student property;
- to ensure the student's own physical or emotional safety and well-being;
- to prevent disruption or interference with normal College operations in the case of a student who poses a definite threat.

During the interim suspension, the student shall be denied access to all College functions, on or off campus. The student is also denied access to the campus itself, except to attend his/her disciplinary hearing as determined by the Director of Student Services or the Director of Continuing Education.

Suspension/Expulsion in Exceptional Circumstances

In exceptional circumstances where the General Procedures incorporated in the present Policy cannot or should not be implemented (e.g., when a student refuses to appear at a hearing, when a student is institutionalized, when a student is incarcerated, etc.) and where a serious offence against the Student Code of Conduct has occurred, the Director General, acting in the best interest of the College community, shall not be bound by the General Procedures outlined in the present Policy and shall have the power to impose forthwith an appropriate sanction (e.g., suspension, expulsion). The Director General shall decide within the spirit of the present Policy.

Section IV – RIGHT OF APPEAL

Appeals must be filed in writing within fifteen (15) calendar days following notification of sanctions.

In the case of sanctions imposed by the Director of Student Services, the Director of Continuing Education, the third party or the special committee (warnings, reprimands, apologies, loss of privileges, restitutions, community work, fines, disciplinary probations), students may appeal in writing to the Director General, whose decision is final and without appeal.

In the case of sanctions imposed by the Director General (suspensions, expulsions), students may appeal to the Executive Committee of the Board of Governors, whose decision is final and without appeal. The written appeal is addressed to the Secretary General of the College who submits it to the Executive Committee for its decision. It is understood that the Director General whose decision is being appealed is not part of the decision-making process of the Executive Committee. The official result of the appeal is communicated to the student in writing by the Secretary General.

NOTE: One of the functions of the Student Union of John Abbott College (SUJAC) is to assure that student rights are protected at all times. Students involved in discipline cases are encouraged to consult and/or request assistance from SUJAC.

Section V – Responsibility for Applying this Policy

The Director of Student Services is responsible for applying this policy.

Section VI – Effective date

This policy was approved by Board Resolution 330-10 on September 15, 2009 and became effective on the same date.