

CODE OF STUDENT CONDUCT
HUMBER INSTITUTE OF TECHNOLOGY AND ADVANCED LEARNING
UNIVERSITY OF GUELPH-HUMBER

Effective: September, 2011

Division Responsible: Student and Corporate Services (Office of the Dean of Students)

Table of Contents

1. Purpose	3
The Policy	4
2. Scope	4
3. Other Applicable School Codes and Professional Suitability Documents	4
3.1 Multiple Proceedings	4
4. Student Rights	5
5. Roles and Responsibilities of the Parties	6
5.1 All Community Members	6
5.2 Students	6
5.3 Office of Public Safety	6
5.4 Academic Schools	7
5.5 Office of the Dean of Students	7
5.6 The Centre for Human Rights, Equity and Diversity/HR Services	7
6. Prohibited Conduct	8
6.1 Level 1	8
6.2 Level 2	8
6.3 Level 3	9
6.4 Level 4	9
7. Sanctions/Outcomes	11
7.1 Sanctions Approved by the Dean of Students or Executive Member	12
7.2 Maintenance of Files	12
8. Complaint, Investigation, Hearing and Appeals Process	13
8.1 The Complaint and Investigation Process	13
8.2 The Hearing/Decision Making Process	13
9. Requesting an Appeal	14
9.1 The Appeal Process	14
9.2 Protocol for The Appeal	16
9.3 Delays and Time Limits	18
10. Glossary of Definitions	19

1. PURPOSE

The purpose of the Code of Student Conduct (the Code) is to define the responsibility of all Humber Institute of Technology and Advanced Learning (Humber) and University of Guelph-Humber (Guelph-Humber) students to act in a manner that respects the rights, safety and wellbeing of others. The intent of the Code is to provide a framework to resolve issues when **civility** and respect for the rights of others break down and **informal resolution** is not possible. These principles and values can only be realized in an atmosphere of respect, safety and security.

In the context of the Code, the goal and responsibility of Humber is to provide an academic community encompassing all aspects of college life, such that the pursuit of education and personal growth can take place in a safe and welcoming environment. The Code includes coverage of incidents that occur both on and off campus, which affect the Humber workplace, living and study environment. Off campus activities may include, but are not limited to, college-related social functions, in the course of work or academic placements, off-campus field trips, or work or academic related travel.

[Note: For the purposes of the Code of Student Conduct, all references to Humber are inclusive of both Humber and Guelph-Humber.]

2. THE POLICY

2.1 Scope

The Code applies to full-time and part-time (prospective or confirmed) student conduct from the time of application or registration in a program or course through to completion of the course or graduation from the program, where activities or actions are a component of the relationship between the student and the institution, or between **community members**. The Code does not supersede or negate any rights or responsibilities provided by law, rather it sets out Humber's expectation that **community members** act with a higher level of responsibility in order to preserve a safe, respectful and inclusive academic environment. The Code does not seek to limit rights of freedom of expression as provided by law, however, behaviour which interferes with Humber's operations, the ability of others to study or learn, and the health or safety of **community members**, is unacceptable. Section 6 below provides specific examples of **prohibited conduct**.

NOTE: Decisions on whether a violation of the Code has occurred will be based upon a review of evidence provided by the parties involved, gathered by the investigator and assessed on the standard of **balance of probabilities**.

3. Other Applicable School Codes and Professional Suitability Documents

In addition to this Code, there are a number of academic program and institutional policies, guidelines and regulations that may apply and which may be administered by the **Academic School** or area where the rules originate.

3.1 Multiple Proceedings

In some instances the actions of a student may violate more than one Humber code or policy. Where multiple internal codes or policies apply, those responsible for initiating the processes will confer to determine which code should be applied first, and whether multiple procedures are warranted and which takes precedence (for example, in an instance where both the Residence and Humber codes of conduct are violated). To the extent that there is any conflict or overlap between the provisions of any applicable code, such conflict will be resolved by consultation between the parties responsible for the administration of relevant codes or policies.

In some cases, there may also be concurrent criminal or civil proceedings. The outcome of any criminal or civil proceeding is not determinative of the outcome of the **community member's** accountability under the Code.

In cases where Humber is aware of the potential violation of criminal law, Humber may refer the incident to the appropriate law enforcement agency. In circumstances where an external investigation is underway, Humber may proceed or take **interim measures** and delay an internal investigation, where the external process does not serve the needs and interests of the college to maintain a safe and welcoming learning environment.

4. Student Rights

All Humber **community members** have rights that are protected under the Ontario *Human Rights Code* as well as the Canadian *Charter of Rights and Freedoms*. These rights are subject to limitations as described by law and some activities (rights) that are acceptable in a public place may not be appropriate in certain contexts in an institution of higher education. For instance, the right to affiliate with individuals of a student's choice may be superseded by the right of a **faculty member** to determine in-class group membership.

Students have a right to have this Code as well as all other policies and regulations adhered to, in order to ensure a safe and positive learning environment.

Students have a right to **procedural fairness** in the investigation and determination of responsibility as it relates to this Code. These rights include:

1. The right to a fair hearing including being made aware of and given an opportunity to respond to, correct or contradict any evidence available, in person and/or in writing.
2. The right to **appeal** based on the conditions explained in the "**Appeals**" section of the Code.
3. The right to have an **advisor** or **support person** of their choice present at any hearing or meeting, if desired.

Students have a right to make a complaint against any **community member** who violates their right to a safe and welcoming educational environment. A student complaint against another student will be considered based on all applicable codes and regulations including this Code. A complaint against a non-student **community member** will be investigated by the School or Department responsible for that individual, with the involvement of the Department of Human Resources as necessary, according to established policies and procedures of Humber.

Students should feel safe to make a complaint under this Code without fear of reprisal. Any action of reprisal against a student or **community member** for having sought to enforce his or her rights under this Code is itself a violation of the Code and subject to the disciplinary measures set out herein. Complaints and/or accusations that are made that are knowingly false, however, are also a violation of this Code and will be subject to the disciplinary measures set out herein.

5. Roles and Responsibilities of the Parties

5.1 All Community Members – “Responsibility to Report”

All **community members** are expected to report incidents that are in **contravention** of this Code, when there may be any risk of harm or violation to the rights (including Human Rights) or dignity of any **community member**. Students may inform any staff, administrative or **faculty member** of a violation, and they in turn will provide the information to the Office of Public Safety, who will take any immediate action required, and, in cooperation with the Office of the **Dean of Students**, initiate any **investigative process** and involve other Departments as necessary in order to fully address the community impact. Please refer to section 8 below for the complaint process.

5.2 Students

All students have a responsibility to be aware of policies and codes that guide expectations of conduct in the various environments where students engage in college-related activity. It is expected that **community members** will treat each other with mutual respect and in a way that does not adversely affect the rights of others. Where this expectation is violated and not resolvable informally, **formal processes** will be engaged. Students will be held accountable for the behaviour of their guests under this Code.

5.3 Office of Public Safety

The role of the Office of Public Safety is to proactively prepare for and actively address situations where institutional policies may be violated, and/or where any member of the community may be at risk. When the Office of Public Safety is informed or otherwise becomes aware of an incident, they will take all required immediate action and recommend an **investigative process** if necessary. In situations that present an immediate or ongoing risk, the Director of Public Safety or designate may impose an immediate **suspension** and trespass from campus in order to permit investigation without further risk of harm to individuals or to the community. For minor incident

violations, Public Safety staff may issue a verbal or written warning (**Violation Notice**) which will serve as the imposed **sanction**.

5.4 **Academic Schools**

In some cases, inappropriate behaviours occur in the classroom or in Humber-related activities which are not academic in nature. Minor behaviour problems may be addressed directly by a faculty or staff member, in or outside of class. Ongoing incidents will require more formal and documented follow-up with a designate of the school, in accordance with School or Humber processes. Incidents which come to the attention of the **Associate Dean** and which warrant a formal letter will be communicated to the Office of the **Dean of Students**, or, if the incident is of a more serious nature, the Office of the **Dean of Students** and/or Public Safety will be contacted as appropriate to either take immediate action or further the investigation and guide the process.

5.5 **Office of the Dean of Students**

The Office of the **Dean of Students** is responsible for investigation and resolution of incidents that cannot be informally resolved, and which require more than an immediate written or verbal warning. Where possible, the goal of the investigation will be to determine an outcome that will serve as a learning/development opportunity for the student, and where **punitive measures** are avoided. However, in some cases, measures including **suspension** or **expulsion** may be taken. All **non-academic behavioural files** requiring formal resolution are held in the Office of the **Dean of Students**.

5.6 **The Centre for Human Rights, Equity and Diversity/HR Services**

A function of **The Centre for Human Rights, Equity and Diversity /HR Services** is to assist the institution in resolving complaints based on the 17 Grounds of **Discrimination**, as outlined in Humber's Human Rights Policy, and the Ontario Human Rights Code, and psychological **harassment**. If a student indicates that they have witnessed, or may have experienced a Human Rights violation, the Humber employee who is notified of the potential violation is required to inform the **Dean of Students** and/or Director, Centre for Human Rights, Equity and Diversity (x4425). Where there is an overlap in policy application, the **Dean of Students** and Director, Centre for Human Rights, Equity and Diversity will determine the resolution process that will be used to address the matter.

6. Prohibited Conduct

All **prohibited conduct** is identified on a **continuum** based on relative harm to or impact on the rights of others. In some cases, **cumulative** or repeated behaviour will result in an increasing level of **sanction**, although the incident on its own may not warrant the recommended outcome. For the purposes of clarity and to indicate increasing levels of **severity**, Code violations are divided into 4 levels. The use of technology, including but not limited to email, Facebook, Twitter, cell phones and websites to engage in behaviour intended or with the potential to do harm to a **community member** or the community in general will be treated as having equal impact and intent as other means. Any unacceptable behaviour that is contrary to the spirit of the Code but which is not listed below will be categorized by the Office of the **Dean of Students** in accordance with their analysis of the **severity** of the behaviour. The Office of the **Dean of Students** reserves the right to re-categorize behaviour based on the nature of the incident in question, and the list below is not exhaustive.

6.1 Level 1

Incidents classified as Level 1 are those which create a disturbance or impact the operation of the campus community, but which have limited impact on the rights or academic experience of others. It is expected that most violations in this category will be resolved informally or with the issuance of a **Violation Notice**. Such incidents include but are not limited to:

- a) Smoking in **unauthorized** areas
- b) Creating a disturbance in a public place such as unreasonable noise or non-threatening behaviour
- c) Failure to properly monitor the conduct of a **visitor**

6.2 Level 2

Incidents classified as Level 2 have a significant impact on the rights or academic experience of others, but do not pose a threat or danger to other individuals in the community. Such incidents include but are not limited to:

- a) Disruptive behaviour preventing others from carrying out their legitimate activities
- b) Disorderly or **indecent conduct**
- c) Use of Humber facilities or equipment without permission
- d) Use of Humber facilities or equipment for reasons other than intended or generally accepted

- e) Not complying with the directions of or providing false information to a Humber official acting in their capacity as an employee
- f) Failure to comply with a **sanction** imposed by the Code or other policy or regulation recognized by Humber
- g) **Contravention** of provincial liquor laws on campus

6.3 Level 3

Incidents classified as Level 3 have a significant impact on the rights or academic experiences of others, and in addition pose a threat or danger to individuals in the community. Such incidents include but are not limited to:

- a) Stalking, bullying or coercion for any purpose
- b) Conduct which threatens the health and safety of anyone
- c) Hazing – activities endangering or seeming to endanger the mental or physical health and safety of individuals for the purpose of initiation, admission into or affiliation with any campus club, group, team or organization
- d) **Unauthorized** recording or dissemination of audio or visual images of individuals that have the potential to cause personal harm or distress
- e) Obtaining, accessing or disclosing personal or confidential information pertaining to a member of the community without that person’s consent
- f) Making false allegations, engaging in a reprisal under this Code or otherwise engaging in vexatious conduct
- g) Repeated or severe disruptive behaviour in a classroom or academic environment

6.4 Level 4

Incidents classified as Level 4 pose a danger or threat to individuals, are in many cases illegal, and in most cases have already caused physical or psychological harm. Such incidents include but are not limited to:

- a) Assault, threats of harm or intimidation
- b) **Harassment** or **discrimination** against prohibited groups based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offenses, marital status, family status, disability, gender identity, gender expression, or receipt of public assistance
- c) Theft or damage to property belonging to an individual **community member** or the college
- d) Tampering with Emergency facilities including fire equipment or alarms

- e) Intentionally creating hazardous conditions that put the community at risk
- f) Distribution of illegal narcotics on campus, and possession of illegal narcotics
- g) Possession of firearms or other dangerous weapons not expressly authorized by Humber or otherwise a part of an academic program
- h) Possession of dangerous objects and substances without express written permission
- i) Forgery, misuse or alteration of any Humber document or record
- j) Misrepresentation associated with Humber processes or activities
- k) Illegal entry into **unauthorized** areas
- l) Failure to comply with a law enforcement officer or to **sanctions** imposed by law related to Humber participation

7. **Sanctions/Outcomes**

A number of factors (past history, **severity** of offense, acceptance of responsibility, willingness to restore the relationship or situation and other issues that may **mitigate**) contribute to the decision to impose one or multiple **sanctions**.

Sanctions imposed by any Faculty or Staff:

- 1) Verbal Warning – A member of faculty or staff may issue a verbal warning and may require a student to leave an area should their behaviour be disruptive.

Sanctions imposed by a member of Public Safety:

- 2) **Violation Notice (VN)** – For Level 1 and 2 offenses, Public Safety Officers will issue a **VN** at the time of an incident. The **VN** will indicate that the student must contact the Office of the **Dean of Students** within 2 business days should they disagree with the content of the notice. Acceptance of the **VN** without **appeal**, if there is no further investigation required as determined by the Manager of Judicial Affairs, indicates that the student accepts responsibility and waives the right to a hearing.
- 3) Interim Suspension - If the Office of Public Safety deems that the student poses a risk to the community, he/she may be suspended and trespassed until a decision about responsibility is determined. If **suspension** or **expulsion** is recommended and upheld, there is no provision to make up academic work missed, and any grade given will stand as calculated at date of **suspension**.

Sanctions imposed by a Hearing Officer include:

- 4) Written Warning – An official letter from the Office of the **Dean of Students** indicating that a student has been found responsible and that future behaviour will lead to additional **sanctions**.
- 5) Written or Verbal Apology – In order to help to restore the harm done, students may choose to apologize.
- 6) Behavioural Contract – A description of the terms, signed by the student, that outlines expectations that must be adhered to in order to participate in all or some activities normally considered to be rights of **community members**.
- 7) Conduct Probation With Terms and Conditions. This may include **suspension** of some or all campus privileges for a period of time, and most often involves the student receiving permission only to be on campus for scheduled classes.
- 8) Restitution – requirement to pay for damages or otherwise restore property to original form. Restitution may also take the form of Community Service or another educational **sanction**.

- 9) Any other penalty deemed appropriate in the circumstances, excluding those set out at section 7.1.

7.1 Sanctions imposed by the Hearing Officer with the approval of the Dean of Students or member of the Humber Executive include:

- 1) Single Course **De-registration**
- 2) **Suspension** for a period of up to two (2) years from the date of offense
- 3) **Expulsion** from the college for a period of up to five (5) years
- 4) Any other **sanction** or penalty deemed appropriate in the circumstances.

7.2 Maintenance of Files

All files related to the Code of Student Conduct will be maintained for a period of up to five years after the student has ceased to be enrolled. Files will not form a part of the student's academic transcript.

8. Complaint, Investigation, Hearing and Appeals Process

8.1 The Complaint and Investigation Process

- 1) A complaint/allegation is registered by any **community member** providing a report to the Office of Public Safety or the Office of the **Dean of Students**, or other office.
- 2) If a determination is made that an investigation is required, then an **Investigating Officer** is selected from the Office of the **Dean of Students** or the Office of Public Safety. In order for an investigation to proceed, and if a **complainant** exists, the **complainant** must submit a written statement outlining the specific details of the complaint.
- 3) Investigations may not be conducted or may be deferred under the following circumstances: lack of clarity about the nature of the complaint; concern for the safety, well-being, employment or academic status of the parties involved; or if the complaint appears to be unclear, unfounded, and **vexatious** or made in bad faith.
- 4) Information is collected from all involved parties, and after being informed of the allegation, the accused will be asked to provide a written and/or verbal response to the **Investigating Officer**. Should an individual refuse to provide a statement, the investigation and disciplinary decision will be based on available information.
- 5) At this stage the issue may be resolved by the **Investigating Officer**, who will provide written notice of the outcome. Issues not resolvable by the **Investigating Officer** will be forwarded to the **Dean of Students** or designate for Hearing.
- 6) **Appeals** of the decision of an **Investigating Officer** should be provided to the **Dean of Students** using a Non-Academic Appeal Form. If **appeal** is granted, the **Dean of Students** will amend the decision in consultation with the **Appellant**. This decision of the **Dean of Students** is final and the student will have exhausted all available means of review at Humber.

NOTE: Proper investigation of a complaint may require the disclosure of the identity of the **complainant** to third parties, including witnesses.

8.2 The Hearing/Decision Making Process

Disciplinary decisions involving **suspension** or **expulsion** entitle the student to a formalized hearing. At this hearing, the **Investigating Officer** will present the case to the **Hearing Officer(s)**, in the presence of the accused. The accused will be permitted to bring one **advisor** or **support person**, and will be provided the opportunity to respond to the allegations brought forward and to questions from the **Hearing Officer**. The **Hearing Officer(s)** will make a written decision within 10 business days. In the case of a Guelph-Humber student who may face **suspension** or **expulsion**, the Guelph-Humber Registrar

(or designate) will serve with the **Dean of Students** (or designate) as an additional **Hearing Officer**.

Outcomes that will not involve the possibility of a recommendation for **suspension** or **expulsion** will be determined by the **Investigating Officer**. Any **appeal** of a decision of this nature will be resolved as indicated in Section 8.1.6).

9. Requesting an Appeal

This **appeals** process applies to appeals of any disciplinary decision imposed based on Section 8.2.

To request an appeal, a student must complete the Non-Academic Appeals Form (www.humber.ca/code-student-conduct) within 10 business days of confirmed receipt of the written decision of a **Hearing Officer**. A right of appeal is available where at least one of the following conditions is met:

- 1) There is new evidence that is likely to change the outcome
- 2) There is evidence of **procedural error** or bias in the process
- 3) The **sanction** imposed is not consistent with the nature of the offense

When requesting an appeal, a student must submit the Non-Academic Appeals Form to the Office of the President indicating:

- 1) The conditions under which he or she is making the request
- 2) The information or rationale that will be used to support the argument that the disciplinary decision being appealed was wrong or unfair
- 3) The requested resolution

Appeals will be granted if, in the opinion of the President or designate, the request meets at least one of the above criteria, and if on the **balance of probabilities** there is sufficient reason to question the initial decision.

9.1 Appeal Process

- 1) Students may **appeal** in writing to the President, within ten (10) business days of confirmed receipt of the decision, on the basis of factors outlined in the “Appeals” section above at section 9.
- 2) The President or designate will determine if the request for an appeal is accepted and confirm the decision in writing within seven (7) business days after confirmed

- receipt of the written appeal request. A decision to deny an appeal is final and the student will have exhausted all available means of review at Humber.
- 3) If an appeal is granted, a Hearing will be convened within ten (10) business days of the decision to grant an appeal. The **appellant** and any other parties involved will be informed that the right of **appeal** has been granted by way of a written Notice of Appeal, which will include the date, time and location of the meeting. Along with the Notice of Appeal, Humber will distribute the following documentation to all principle parties involved:
 - a) the names of members of the Appeal panel
 - b) the Non-Academic Appeals Form submitted by the student
 - c) a written statement by the **Hearing Officer** indicating the rationale for the disciplinary decision; a list of witnesses that may be called if applicable; a list of evidential materials that will be presented during the Hearing such as videos, photographs or physical evidence
 - 4) Filing or receiving an appeal does not stay the decision under appeal. If the Office of Public Safety deems a student a risk to self or others, the student will not be permitted on campus, with the exception of the hearing, until the appeal process is completed. Where possible, students may resume regular or modified participation in their academic pursuits.
 - 5) When an appeal is granted, the decision of the appeal panel is final and the student will have exhausted all available means of review at Humber.

9.2 Protocol for the Appeal

- 1) An **Appeal** is conducted under the jurisdiction of the Code Appeals Committee appointed by the **Vice President**, Academic or designate.
- 2) The Code Appeals Committee shall be composed of:
 - One or two Deans or designates of an **Academic School**, one of whom will serve as chair
 - One or two Faculty members
 - One student representing or identified by the Humber Students' Federation

No Appeals Committee member will be a member of the school where the appellant is enrolled. In the case of a Guelph-Humber student, the membership of the Appeals Committee will be determined by the Guelph-Humber **Vice Provost**, Students.

A Committee member who has a pre-existing bias or apprehension of bias is expected to remove him or herself from the panel and will be replaced using the process to appoint the initial panel membership.

- 3) The parties to the hearing are the student and an **advisor** if chosen, the Appeal Committee appointed by Humber **Vice President**, Academic or designate and any other person deemed to be a party by the Code Appeals Committee Chair.
- 4) The following procedures apply to hearings of the Code Appeals Committee:
 - a) The student has the right to representation throughout the various stages of the Appeal procedure. The student shall advise Humber of their intent to retain a **representative** at the time an Appeal is filed, and may bring one **advisor** and one additional **support person**. Regardless of the outcome of any Appeal Hearing, any costs incurred by the student as a result of being represented are the sole responsibility of the student.
 - b) In the event that the student retains legal representation, Humber has the option to do the same, at its own expense.
 - c) The student (**appellant**) bears the **onus of proof**, and a decision will be rendered based on a **balance of probabilities**. The student is entitled to **procedural fairness** that contains the following components:
 - i. The student must know the allegations against her/him, including the evidence that led to the initial decision

- ii. The student must be given an opportunity to correct or contradict any evidence or assertions made in support of the initial decision
 - iii. The committee must make its decision without bias or reasonable apprehension of bias.
- d) All witnesses must be identified to the Chair at least five (5) days in advance of the Hearing, and both the **appellant** and **Hearing Officer** must be notified of the participation of any witnesses at least three (3) days in advance of the Hearing. If this information was not provided at the time the date of the **appeal** was confirmed, the Chair will distribute this information to the **appellant**, Committee members and the **Hearing Officer**. The **appellant** and/or **Hearing Officer** are responsible to ensure the availability of witnesses for the scheduled date, time and location of the proceeding.
- e) **The Hearing Officer** will present the evidence used to make the original decision, and call any witnesses that he/she has identified to the Chair in advance. The student or representative may direct questions to the **Hearing Officer** and any witnesses through the Chair, and the **Hearing Officer** may ask further questions of his/her witness.
- f) The **appellant** or representative will then present the **appellant's** case, including presentations from any witnesses that the **appellant** has identified to the Chair in advance. The **Hearing Officer** and **appellant** will have the opportunity to question the **appellant** and witnesses through the Chair once the formal presentation is completed, and the **appellant** may ask further questions of his/her witness.
- g) The Committee may ask questions of all parties and witnesses and may require the production of any additional written or documentary evidence. Witnesses will leave after questioning but may be required by the Chair to return to answer any further questions of the committee.
- h) The **Appeals** Committee Chair may give directions throughout the Appeal Hearing for the purpose of maintaining order, including asking anyone in attendance to leave the Hearing if any behavior is deemed by the Chair to impede the process. Evidence presented at the Hearing must relate to or bear directly upon the outcome.
- i) Any procedural issue that arises in the course of a hearing, including issues respecting adjournments and the terms of such adjournments, will be considered by the Committee, but the decision of the Chair is final with respect to any such procedural issues.

- j) The Committee shall deliberate *in camera*, with the accused not present, and shall reach a decision by majority vote. The Committee may grant any remedy it sees fit, including upholding the decision and penalty; imposing a lesser penalty; or granting the resolution requested by the student.
- 6) The Committee has the power to reserve its decision for further consideration and will render a decision within 20 business days of the Appeal Hearing.
- 7) The decision of the Committee shall be in writing and signed by the chair of the Committee. When requested by either the accused or the **Hearing Officer**, the Committee shall give written reasons.
- 8) Copies of the decision, along with its reasons, if requested, shall be sent to all parties to the hearing who took part in the proceeding.

9.3 Delays and Time Limits

Time limits may be extended by the mutual consent of the student and Office of the **Dean of Students** at the appropriate step or by the Code Appeals Committee if it is satisfied neither the student's nor the Office of the Dean of Student's position has been substantially prejudiced by the delay. The failure to meet a time limit prescribed by this Code does not render any penalty void but the Office of the Dean of Students or the Code Appeals Committee, as the case may be, may consider any failure to meet such a time limit in considering an appropriate disposition of a matter.

10. GLOSSARY OF DEFINITIONS

Academic School – any of the formalized academic units or business units of Humber or Guelph-Humber that provide courses or programs in which students enrol

Academic Dean – the Head of any Academic School

Advisor – A member of the college made available to guide the student through the Appeal Hearing process if desired. This person may not speak on behalf of the student.

Appeal – the process whereby students challenge a decision based on any of the applicable regulations or codes relating to their relationship as students at Humber

Appellant – the student who has been accused and who is initiating the appeal of the initial decision

Associate Dean – a designate of the Dean of any school for the purposes of this Code

Balance of Probabilities – the standard is met if the proposition is more likely to be true than not true. Simply stated as “more probable than not” based on evidence available, this is the standard that must be met in order to demonstrate that there has been a contravention of this policy.

Civility – a standard of behaviour that implies mutual respect and equity among all community members

Community Member – any individual affiliated with Humber or Guelph Humber who is involved in the learning community or in providing a service that contributes to the operation of the college. Community members include but are not limited to students, faculty, staff, administration, contracted service providers and guests.

Complainant – the person initiating the complaint, where applicable

Continuum – the range of possibilities, from one extreme to the other

Contravention – violation

Cumulative – consideration of past incidents to determine the total magnitude of the current circumstance

Dean of Students – the head of student activities and services outside of the classroom

De-registration – removal from one or more courses

Discrimination – differential treatment based on one of the 17 grounds outlined in the Ontario *Human Rights Code* including: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed/religion, record of offences, sex, sexual orientation, disability, age, marital status, family status, gender identity, gender expression, or receipt of public assistance

Expulsion – termination from the college for up to a five year period

Faculty Member – a member of teaching, library or counselling staff

Formal Process – a way of proceeding that has been agreed to as an institutional standard

Harassment – Engaging in a course of vexatious comment that is known or ought reasonably to be known to be unwelcome. The college interprets this to include any behaviour that is known or ought reasonably to be known to the perpetrator to be offensive, embarrassing or humiliating to other individuals. Such conduct may include visual representations, electronic messages, written messages, verbal and/or physical conduct, and may relate to any of the grounds of discrimination prohibited by the Ontario *Human Rights Code* or other malicious grounds

Hearing Officer – the Dean of Students or the person designated by the Dean of Students as responsible for reviewing the evidence, ensuring a fair hearing, assessing the allegations based on a balance of probabilities and dismissing or imposing a sanction based on information collected by the Investigation Officer

Humber Executive – any Vice President of Humber ITAL

In Camera – with only members of the Appeals Committee present

Indecent conduct – behaviour that a reasonable person would consider offensive

Informal Resolution – a means of resolving an issue without employing a formal process

Interim Measures – a decision, often involving immediate removal of a Community Member, that is employed to protect the community while a full investigation can take place

Investigating Officer - the person or persons responsible for gathering information related to an allegation against another member of the community

Investigative Process – the agreed upon steps that will take place in investigating an allegation against a member of the community

Irreparable – difficult or impossible to fix

Magnitude – size, extent

Mitigate – make less severe

Natural Justice – the process whereby an individual accused of something is given fair consideration

Non-Academic Behavioural File – the file held in the Office of the Dean of Students that maintains a record of allegations and decisions related to the Code

Onus of Proof – the responsibility to provide evidence that will alter the initial decision

Procedural Error – a flaw in the process of investigating or considering an allegation

Procedural Fairness – the process that ensures that an individual who is alleged to be in violation of the Code is given fair consideration in the determination of responsibility

Professional Suitability – a document relating to a School or career that explains the characteristics required of an individual that would allow them to participate in that School or career.

Program Coordinator – the person in each academic program responsible for advising students within the program, and for directing the operations and activities of that program, on behalf of the School

Prohibited Conduct – conduct which the institution has agreed is not acceptable, or which is recorded in a Code or regulation referred to in this document or otherwise within an Academic School

Public Safety, Office of – the Office responsible for the safety of the community, and for enforcement of Humber’s Codes and regulations

Punitive Measures – sanctions that are primarily intended to punish

Representative – an individual chosen by the student to help present his or her case. This may be in the form of an advocate or legal counsel. Students are still expected to speak on their own behalf. Representatives are permitted only during the Appeal process.

Sanction – an outcome of a determination that a student is responsible for an offense

Severity – magnitude, extent

Support Person – an individual that may attend any meetings including those associated with the investigation, hearing or appeal, in order to provide personal support to an individual. The support person may not speak on behalf of the student, but may offer support and guidance to the student in the presentation of his or her case.

Suspension – a sanction that removes all academic and non-academic rights of a student for a period of time which is usually two years or less in length

The Centre for Human Rights, Equity & Diversity/HR Services – the office responsible to address concerns of discrimination and harassment as related to the Ontario *Human Rights Code*

Unauthorized – without permission

Vexatious Complaint – a complaint which is intended to harm the reputation or success of an individual, which is not based in truth

Vice President/Vice Provost – the senior college official involved in the appeals process for Humber or Guelph-Humber

Violation Notice – a document that describes to a student his/her responsibility for a violation of the Code. It is normally delivered by Public Safety staff as an outcome, and implies acceptance of responsibility if not appealed

Visitor – any invited guest who is not an official Community member