

# Code of Conduct

## 1. APPLICABILITY AND JURISDICTION

1.1 The Code of Conduct applies to all students and is intended to cover instances of non-academic misconduct not otherwise dealt with in College regulations and policy

1.2 Code of Conduct applies on College premises and at any site or occasion where College business, programs or activities are being conducted, including extracurricular activities under the aegis or supervision of the College.

1.3 The Code does not replace, alter, or take precedence over any other official College policy, regulation, or procedure nor is it a substitute for legal recourse available to both the College and students.

## 2. MISCONDUCT

No student shall:

2.1 threaten with bodily harm, harass or assault another member of the College;

2.2 steal, damage or deface the property of the College or of others;

2.3 gamble;

2.4 smoke within the building;

2.5 possess, use, distribute or sell alcohol (except as may be permitted by the law) or illegal drugs;

2.6 possess a weapon or materials which endanger the health, safety or property of others;

2.7 commit indecent or grossly immoral acts;

2.8 make public statements which threaten or incite violence against any group or individual distinguished by race, sex, colour, religion, ethnic origin, or sexual orientation;

2.9 act in a way which endangers the safety and well-being of others;

2.10 disturb the peace, or disrupt or obstruct College activities;

2.11 use, enter or remain in, without permission, any restricted area or facility;

2.12 enter College property outside of authorized hours;

2.13 misuse College property or equipment;

2.14 promote or engage in any commercial activities on College premises without permission;

2.15 refuse to show identification when requested by College staff for a valid, stated reason;

2.16 falsify a College document or submit falsified documents to the College;

2.17 aid, be party to, or deliberately conceal another person's misconduct, as defined under this Code;

2.18 make false statements to the College Judicial Committee or to a College official enquiring into an allegation of misconduct;

2.19 fail to abide by a decision or order of the Director of Student Services or the Judicial Committee made in conformity with this Code or fail to abide by a negotiated penalty agreed under Article 4.4 f) of this Code.

## 3. CLASSROOM BEHAVIOUR

3.1 A teacher is responsible for determining the appropriateness of student behaviour in the classroom. A teacher may remove a student who misbehaves in class for the duration of that period.

3.2 Teachers may, at their own discretion, refer a single instance of misbehaviour to the Director of Student Services. Teachers shall refer cases of students who have been removed twice in the same semester from their classroom to the Director of Student Services. The teacher shall inform the Director of Student Services each time the student is subsequently removed.

#### 4. ROLES AND RESPONSIBILITIES

4.1 A faculty or staff member who observes an instance of student misconduct shall intervene in order to deal promptly and effectively with the situation provided that the methods of intervention do not place the faculty or staff member at risk.

4.2 Faculty, staff and students shall report instances of student misconduct to the Director of Student Services. Reports shall be made as soon as possible after the incident and may be verbal or in writing.

4.3 The Director of Student Services shall investigate and take the appropriate measures in order to determine the facts of the case.

4.4 Taking into account the nature of the offence and any other relevant factors, the Director of Student Services may take one or a combination of the following actions:

- a) *Verbal Warning*; A student is advised verbally of the seriousness of the misconduct in question and the consequences of a repetition.
- b) *Written Warning*; A student is warned by letter against any further misconduct.
- c) *Prohibition or Exclusion*; A student is prohibited or excluded from a certain area or activity for a specified period of time. (The area or activity will normally be associated with the misconduct; for example, misconduct taking place in the cafeteria may result in exclusion from the cafeteria).
- d) *Payment of damages*; A student may be required to pay the costs of repairing or replacing College property which he/she has damaged or stolen.
- e) *Short-term Suspension*; A student may be suspended from the College or a course for up to five working days.
- f) *Negotiated Penalty*; A student who chooses not to contest the charges of misconduct against him/her may negotiate with the Director of Student Services specific terms or conditions as a means of redressing his/her misconduct (e.g. payment for damages, community work, formal apology). Such agreements must be in writing and signed by both parties. Copies of such agreements shall be sent to the ombudsofficer.
- g) *Refer the case to the Judicial Committee*; A student's behaviour may warrant action other than that specified above. The Director of Student Services shall advise the student of the charges against him/ her and the procedures of the Judicial Committee. Copies of this letter will be sent to the Academic Dean and the chair of the Judicial Committee as a signal that proceedings should begin. In all cases except the verbal warning, the decision of the Director of Student Services shall be communicated in writing. When possible, the notice shall specify the penalty that may apply in the event of further misconduct.

4.5. Article 4.4 g) notwithstanding, if in the judgment of the Director of Student Services, the nature of the student's conduct is such as to warrant immediate suspension from the College or a course for more than five working days or expulsion from the College, the Director

may recommend such action to the Academic Dean. If the Academic Dean decides that suspension or expulsion is warranted, the Director of Student Services will advise the student in writing of the decision. A copy of the notice of suspension or expulsion is forwarded to the ombudsofficer who will contact the student and advise him/her on the rights of appeal under this policy.

4.6. A student may appeal to the Judicial Committee any sanction arising from the application of Articles 4.4 a-d of this policy. Appeals must be made in writing and sent by registered or certified mail or by fax to the chair of the Judicial Committee within 10 working days of the appellant's receipt of the decision of the Director of Student Services. The student must state in the letter the reasons for the appeal.

4.7. Appeals arising from the application of Article 4.5 are made directly to the Director General.

#### 5. THE JUDICIAL COMMITTEE

5.1 The Judicial Committee is composed of six members drawn from the following four constituencies:

- a) one faculty member appointed by the Dawson Teachers Union;
- b) one professional appointed by the Association of Dawson Professionals;
- c) one administrator appointed by the Director General, who will chair the committee;
- d) three students (two from pre-university programs and one from technical programs) appointed by the Dawson Student Union.

5.2 At the time of the selection, one alternate shall be appointed for each seat on the Committee. The alternate shall replace a designated Committee representative in the event that he or she is unable to participate in a hearing or in the event of a conflict of interest as specified in Article 6.4.

5.3 Members are appointed for one year from September 1 to August 31. The appointment is renewable. It is automatically prolonged if required to complete proceedings already underway, or if no replacement for that member has been appointed.

5.4 The names of members and alternates appointed to the Judicial Committee are reported to Board of Governors.

5.5 The Judicial Committee shall operate autonomously.

#### 6. HEARING PROCEDURES

6.1 The Judicial Committee shall meet as follows:

- a) In the cases covered by Article 4.4 g) of this policy, within ten (10) working days from the date of receipt of the letter of referral;
- b) In all other cases, within 15 days from the date of receipt of the letter of appeal.

6.2 The chair of the Committee will give the student concerned at least three days' notice of the meeting. The notice will be in writing and be sent by registered mail or by courier. If the student cannot be available at the time designated, he/she must provide the chair with valid reasons, otherwise the meeting will proceed in the student's absence.

6.3 The student has the right to be assisted before the Committee by the College Ombudsman, a member of the College staff or a parent or guardian.

6.4 Any of the parties may, with valid reason, request that a regular member of the Committee be replaced by his/her alternate. The chair will rule on such requests. The Director General will rule on request to replace the chair.

6.5 The Director of Student Services and the student will supply the chair of the Judicial Committee with the names of witnesses to be called. The Committee has the right to limit the number of witnesses heard. The Committee may call additional witnesses.

6.6 Hearings of the Committee are closed to all but members of the Judicial Committee, the Director of Student Services, the student and his or her representative and witnesses during their testimony. The Committee will deliberate in private.

6.7 Any decision under appeal will be maintained until the matter is decided. If the appeal is successful the College will make every effort, insofar as it is practical, to reverse the consequences or sanctions previously imposed.

## **7. MANDATE OF THE JUDICIAL COMMITTEE**

7.1 The Committee shall render a decision in the cases referred to it under Article 4.4g) of this policy.

7.2 In the cases covered by Article 4.4 g) of this policy, the Judicial Committee may impose any sanction deemed appropriate to the misconduct (e.g. warning, community service, repayment of damage, probation, suspension to a maximum of five days, removal from a specific course or a program).

7.3 The Committee's decision will be reasoned and will be sent by registered or certified mail or delivered by hand to the Director of Student Services and the student within five working days of the end of the Committee's deliberations. Where it is appropriate, the parties will be advised of their right to appeal.

7.4 Failure to abide by a penalty imposed by the Judicial committee shall be considered a repeat offence and constitute grounds for further action by the Judicial Committee.

7.5 In the event that the nature of a student's offence is sufficiently serious to have a grave effect upon or pose a serious threat to the College, its staff, or students, the Committee may recommend to the Academic Dean that the student be expelled or suspended for more than five working days.

7.6 The decision of the Judicial Committee is final in the case of an appeal of sanctions imposed under Article 4.4 of this policy.

## **8. APPEALS TO THE DIRECTOR GENERAL**

8.1 The student may appeal:

- (a) a penalty of the Judicial committee imposed under article 4.4g of the present policy
- (b) a decision to expel a student or suspend a student for more than five working days

8.2 Appeals may be made only on the following grounds: a grave abuse of procedure the discovery of new evidence a manifest error, apparent in the text of the decision, which significantly affects the outcome sanction which is disproportionate to the offense.a perceived miscarriage of justice.

8.3 An appeal must be made within 10 working days of the receipt of the decision by the student. It must be made in writing and be sent by registered mail or delivered by courier. The grounds for appeal must be set out fully and only those grounds will be considered.

8.4 The Director General will review the record and consult the appropriate parties. He or she may confirm, reverse or modify the decision, or require a new hearing.

8.5 The Director General's decision is final.

## **9. CONFIDENTIALITY**

9.1 All letters to students concerning disciplinary matters will be marked confidential and will be sent by registered mail or by courier.

9.2 Letters and reports about a student's misconduct do not become part of the official student file. Disciplinary letters or related documents are not made available to persons outside the College, for example, to other institutions or potential employers. Within the College, they are made available only to College personnel directly involved with the procedures of this Code or the College Judicial Committee.

9.3 With the exception of a file retained by the College Judicial Committee, all documents concerning a particular student's misconduct will be destroyed within one calendar year of the date of the most recent incident of misconduct, or by a date stated in the documents themselves. A file may be kept by the Judicial Committee in the event that it may have to take account of previous offenses and sanctions

in determining sanctions for a subsequent offense. Following the student's graduation, the file of the Judicial Committee is forwarded to the Director of Corporate Affairs who will decide if the file should be retained any longer.

#### 10. DELEGATION

10.1 In the event that the Director of Student Services is unable to exercise his/her functions under this code, or in the case of real or potential conflict of interest the Director General shall designate a replacement to carry out these responsibilities.

#### Sexual Harassment

Dawson College has adopted a policy on sexual harassment to ensure that every member of the community has the right to work and study in an environment free of sexual harassment. Any member of the community who believes he or she has been sexually harassed should consult the policy and seek confidential guidance from Ombuds Services, or from the nurse on campus.

