

## STUDENT RIGHTS AND RESPONSIBILITIES PROCEDURE

Approved by: Academic Coordinating Committee

Authorizer: Vice President, Student Affairs

Reference Code: SA13 V1

Effective Date: 10/1/2018

### PROCEDURE STATEMENT:

This document outlines the process that will be followed when 1) a student's behaviour violates their responsibilities and/or 2) when the college (either its members or its practices) violates a student's rights as outlined in the policy.

### SCOPE:

It is the responsibility of all members of the college community to uphold the principles of this procedure. This includes students, employees, and those affiliated with the college while on college property, at college-sponsored activities, at associated college centres, and while representing the college on and off campus.

Under this procedure, **students** can report a concern regarding disruptive student behaviour, digital communications, college operations, and/or college employee/affiliated member conduct that has an adverse effect on the individual and/or group.

Under this procedure, **employees and affiliated members** can report a concern regarding disruptive student behaviour and/or digital communications that have an adverse effect on the college or its members.

*Concerns outside the scope of this procedure which have no likelihood of impacting the college environment should be pursued by individuals through the appropriate external methods.*

### DEFINITIONS:

**Disruptive Student Behaviour:** Behaviour that can reasonably be viewed as interfering and/or prohibiting the ability of faculty to teach or students to learn as well as negatively impacting the learning or working environment. Such behaviour may include, but is not limited to

- use of obscene and/or disrespectful language;
- failure to comply with reasonable directions of college staff or faculty;

- combative interactions with faculty, staff, or other students in and outside of the classroom;
- harassment and/or discrimination of an individual or group online or in-person;
- theft and destruction of personal and college property;
- prohibited substance use and related activity including sale or possession of prohibited substances;
- use of alcohol, tobacco, and tobacco products or any other permitted substance in unauthorized areas and/or intoxication on college property, including Residence; and
- disruptive behaviour while participating in a work-integrated learning experience with an employer or community partner.

**Digital Communications:** Use of digital tools, digital technologies, and information systems (such as public websites, secure virtual classrooms, discussion boards, video files, digital pictures, audio files, library systems, e-mail, file storage, printing, encyclopedias, wikis, blogs, texting, social media, and messaging tools) that takes place on or off campus that negatively interferes with the ability of the college staff and faculty to perform their work-related duties, and/or for other students to learn and feel safe. This includes behaviour that could have an adverse impact on Conestoga College’s reputation.

**College Operations:** Facilities, policies, procedures, practices etc. which can reasonably be interpreted as negatively impacting a student’s right to learn and/or feel safe. This may include college operations that are found to be contrary to student rights as outlined in the policy and the [Ontario Human Rights Code](#).

**College Employee and Affiliated Member Conduct:** Behaviour exhibited by college staff, faculty, contractors, employers, and community partners that can reasonably be interpreted as negatively impacting a student’s right to learn and/or feel safe. This may include acts of unethical and/or unprofessional conduct by college employees and affiliated members towards students as outlined in the policy and the [Ontario Human Rights Code](#).

**Complainant:** The individual who lodges the concern, either for themselves or on behalf of someone else, whether verbally or in writing.

**Respondent:** The individual(s) named in the concern.

**Informal Resolution:** Consists of all parties working in collaboration to try and achieve an outcome that is mutually acceptable. The parties themselves take responsibility for developing the outcome rather than involving a third party.

**Formal Resolution:** Usually requires the complainant to submit a concern in writing with evidence, which is then considered by an appointed decision maker. Generally, the outcome is a written decision.

**Escalated Resolution:** Authorizes the Director of Security Services and/or the Student Rights and Responsibilities Coordinator to escalate the concern directly to the Vice-President (VP) Student Affairs for review and adjudication. Typically the types of concerns that are escalated are of a serious nature, the respondent is a repeat offender, and/or the respondent fails to abide by previous sanctions.

**Procedural Fairness:** It is the duty of the college and the college members upholding this procedure to act fairly when administrating decision making. All college members have a right to report and a right to a fair and impartial process. Procedural fairness, for these purposes, includes an opportunity for all parties involved to be able to provide their version of the event(s) to the college. The complainant and respondent are given the same rights, including

- the opportunity to provide documentation and request witnesses to support their version of the event(s);
- opportunity to attend meetings with a third party for moral support and guidance;
- a coordinator that listens objectively to all sides and reaches a decision without bias, consistent with the burden of proof required by civil law;
- a resolution process that will be reasonable based on the timelines provided within this procedure, except for in extenuating circumstances;
- notification of the decision or challenge outcome;
- reasonable sanctions in relation to the code violation;
- protection from reprisal or threats of reprisal against complainants; and
- appropriate action against those who report false claims.

**Record Keeping:**

All records resulting from Student Rights and Responsibilities formal reports will be filed in a secure database and will not form part of the student’s academic record except in regards to long-term suspension and/or discontinuance. Managing these records will be the responsibility of the Student Rights and Responsibilities office, under the direction of the Vice President (VP) Student Affairs. Access to these records will be restricted to appropriate college staff as per the requirements and principles in the *Freedom of Information and Protection of Privacy Act (FIPPA)*. Exceptions are records under statutes that expressly state that they prevail over FIPPA.

**RESPONSIBILITIES:**

In general, it is the responsibility of all involved parties to make every possible effort to follow the procedure outlined in this document. Informal resolution is encouraged and should be attempted before formal resolution, when and if appropriate.

In addition to the general shared responsibilities, certain roles/departments have extended accountabilities.

**Student Rights and Responsibilities Coordinator:**

- identifies and implements appropriate measures to facilitate a resolution (when applicable) when a student’s rights are deemed violated;

- imposes sanctions that do not affect a student's academic status at the College (e.g. restitutions and behaviour contracts);
- recommends suspension and/or discontinuance (sanctions that affect a student's academic status) to the appropriate program Dean and/or Chair and the VP Student Affairs for decision and implementation; and
- monitors sanctions with restrictions, requirements, and dates to be completed in partnership with other areas (when applicable).

**Director, Security Services:**

- directs and manages security staff to investigate student concerns submitted directly and indirectly to Security Services,
- imposes and monitors the application of interim safety measures (when applicable)
- provides recommendations on sanctions (when applicable), and
- consults with senior administration regarding possible impact on college safety.

**Dean and/or Chair:**

- contacted when a recommended sanction is suspension or discontinuance;
- with assistance from the VP Student Affairs, a decision of suspension or discontinuance will be decided and communicated both verbally and in writing to the student; and
- arranges for the appropriate accommodations during suspension in an attempt to minimize any potential academic impact (when applicable).

**Vice President (VP), Student Affairs:**

- contacted when a recommended sanction is suspension or discontinuance;
- liaises with the program Dean and/or Chair to ensure procedural fairness is observed in the process and decision;
- reviews and adjudicates escalated concerns forwarded via Security Services and/or the Student Rights and Responsibilities office; and
- reviews any formal challenges submitted by students for validity, investigates the claim (when necessary), and responds to the student with a final decision.

**Human Resources:**

- is notified of a reported concern related to a college employee once it has undergone a standard assessment by the Student Rights and Responsibilities office in which the validity of the claim has met the criteria for HR involvement; and
- completes further assessment and/or investigation based on the Employee Code of Conduct Policy and Procedure.

**PROCEDURE:**

This procedure consists of three levels of resolution based on the concern and/or the conduct of the individual(s) involved: informal, formal, and escalated. The college encourages beginning the resolution process at the informal level, if appropriate. However, the formal and escalated

levels are also available for concerns that continue, escalate, or when informal resolution is not appropriate.

## **LEVEL ONE RESOLUTION-INFORMAL:**

***The following steps are recommended when attempting informal resolution:***

- **Dialogue:** If a student or employee has a concern about the actions of a member of the college community, they are encouraged to meet with that person in an attempt to resolve the concern. If the complainant does not feel comfortable speaking with the person directly, they are encouraged, when possible, to speak with the direct manager or employee responsible for the department in which the concern has arisen. That individual will work with the complainant to find resolution.
- **Seeking Guidance:** Students and employees are encouraged to seek guidance from trusted individuals/groups (e.g. peers, family, college employees) when attempting to respond to concerns. Guidance may include discussing options and strategies that support the complainant's ability to engage in, negotiate, and/or resolve concerns. Guidance may also include facilitating the development and/or acquisition of interpersonal and problem solving skills.
- **Documenting Communications:** When meeting, it is recommended to document in writing what was discussed and share summary notes with the other person(s) and the Chair/supervisor when applicable. It is suggested that documentation include the following information:
  - a) description of the behaviour in question and why it is a concern;
  - b) description of the outcome discussed and, when applicable, next steps if the behaviour continues; and
  - c) information regarding resources within the college that may be helpful, if applicable.

***If the conflict continues, escalates, or informal resolution is not appropriate, continue to level two of the resolution procedure.***

## **LEVEL TWO RESOLUTION- FORMAL:**

***The following steps may be followed during the formal resolution process:***

- **Reporting a concern:** If the concern continues, escalates, or informal resolution is not appropriate, the student(s), college employee(s), or affiliated member(s) may submit a report either for themselves or on behalf of someone else. If the concern is a safety emergency and/or requires immediate attention, contact [Security Services](#). For other student rights and responsibilities concerns, an online [Student Rights and](#)

[Responsibilities Reporting Form](#) is available. The report is submitted to the Student Rights and Responsibilities (SRR) office for review and fact finding. It is encouraged to submit a report soon after the incident occurred to optimize the ability of the college to fact find/investigate. The Student Rights and Responsibilities (SRR) office will acknowledge receipt of the report via email typically within two (2) business days.

*If the report submitted is related to college operations, an immediate resolution may not always be possible. The Student Rights and Responsibilities office will contact relevant parties to discuss the report and, if possible, facilitate a process to attempt an agreement between the complainant and the college. In cases where the resolution may require the college to review, revise, and/or make significant changes to current operations, factors such as risk, time, and cost may affect the outcome.*

- **Fact Finding:** If the concern is reported directly to the SRR office, it will be assigned to a SRR Coordinator who will conduct a fact finding process typically within two to five (2- 5) business days. Fact finding may include reviewing evidence and testimonial, interviewing witnesses and other stakeholders, researching other applicable policies, procedures or laws, etc. Certain reports may require the SRR Coordinator to appoint Security Services for further investigation and/or Human Resources when involving the conduct of college employees and/or affiliated members.
- **Security Investigation:** An investigation will take place if a concern is forwarded and/or reported directly to Security Services. Security investigations follow all applicable Canadian legislation, including provincial acts and federal criminal codes. Investigations may include enforcing interim measures; collecting information and evidence; requesting written statements; interviewing complainant, respondent, and witnesses; making sanction recommendations, etc. Refer to [Security Services](#) for further information.
- **Outcome:** Following the SRR fact finding process or a Security investigation, the SRR Coordinator will provide a written outcome to the complainant and respondent outlining the decision and what action is to be taken, if any. A written outcome will be provided typically within five (5) business days following the completion of the fact finding/investigation process. If a student is deemed to have violated their responsibilities, the written outcome may include sanctions to be imposed by the Coordinator and/or Chair or designate. If sanctions are imposed, they will be fitting and appropriate to the seriousness of the behaviour in question, the impact of the behaviour on the college community, and whether there have been previous violations. Failure to adhere to imposed sanctions will lead to further disciplinary action, including [discontinuance](#) from the college. Sanctions may be imposed alone or in combination. Refer to the [Student Rights and Responsibilities \(SRR\) Formal Resolution Guide](#) for a list of possible sanctions.

- **Challenge:** If the student disagrees with a decision that does not impact their academic status, they can submit their reasons to challenge in writing to the Vice President (VP) Student Affairs. The VP Student Affairs or designate will review the challenge for validity and will respond within five (5) business days directly to the student in writing with appropriate steps to rectify the situation. A meeting may be arranged to discuss possible outcomes. If the challenge is denied, a reason will be provided and the previous outcome still applies. The decision of the VP Student Affairs is final.

Challenges will be considered if they meet the appropriate grounds following the decision of fact finding:

- i. **Personal Bias / Unfair Treatment:** Perceived unfair treatment based on the following: not following the process as outlined in this procedure, a substantial procedural error, or a sanction found to be unreasonable given the circumstance or offense.
- ii. **New information / Extenuating Circumstances:** The complainant or respondent has new information or documentation of extenuating circumstances that was not available at the time of the original investigation.

Students must submit appropriate documents to support their request at the time they submit their challenge.

### LEVEL THREE RESOLUTION- ESCALATED:

- **Adjudication:** Once a concern is escalated, the VP Student Affairs will review all information from both fact finding and investigation, when applicable. If necessary, the VP Student Affairs will collect additional information and/or evidence from pertinent stakeholders. If the outcome may affect the respondent's academic status at the college, the VP Student Affairs will consult with the program Dean and/or Chair before meeting with the respondent. The VP Student Affairs will meet with the respondent typically within five (5) business days of the forwarded concern and provide the respondent with an outcome.
- **Appeal:** If the outcome impacts the respondent's academic status (long-term suspension and/or discontinuance), the respondent may submit a request to appeal based on the requirements outlined in the [Academic Dispute Resolution and Appeal procedure](#).

### APPENDIX OF SUPPORTING DOCUMENTATION:

- [Student Rights and Responsibilities Employee Resources](#)
- [Student Rights and Responsibilities \(SRR\) Reporting Form](#)
- [Employee Process Flow Chart](#)
- [Student Process Flow Chart](#)

**REFERENCES:**

- [The Ontario Human Rights Code](#)
- [The College Academic Offences Policy](#)
- [The College Protection of Human Rights Policy](#)
- [The College Sexual Assault and Sexual Violence Policy](#)
- [The College Co-operative Education Policy](#)
- [The College Off-campus Activities Policy](#)
- [The College Academic Dispute Resolution and Appeal Policy](#)
- [The College Acceptable Use of Technology Policy](#)
- [The College Discontinuance Policy](#)
- [The College Employee Code of Conduct](#)

**REVISION LOG:**

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Academic Coordinating Committee - Approved