

STUDENT CODE OF CONDUCT PROCEDURE

Approved by: Academic Coordinating Committee

Authorizer: Vice-President, Student Affairs

Reference Code: SA4 V3

Effective Date: 9/1/2007

PROCEDURE STATEMENT:

Conestoga is committed to an environment that is conducive to academic skills development, professionalism, personal development, respect and individual self-discipline.

This procedure defines:

- a) the nature of the authority and responsibility of employees of Conestoga and of the student body in upholding these principles;
- b) the sanctions which may be imposed as disciplinary action;
- c) the procedure to be followed by students who wish to appeal.

SCOPE:

This procedure addresses complaints brought against students arising in non-academic contexts. Informal and formal processes are in place to assess and deal with complaints. This procedure involves registered students, faculty, staff, and administrators of the College. When a student is alleged to have violated the Student Code of Conduct, any member of the College community who observes or has reasonable grounds to believe a violation has occurred, shall take the appropriate action in a timely fashion.

Allegations of student misconduct in an academic setting (classroom, lab, examination room, placement setting, clinical settings, field trips etc.) should be dealt through the Program Chair. Complaints of harassment and discrimination against students will be handled by Human Resources under the Human Rights Policy and Procedure. At any point during the process, the person handling the complaint may consult with the Student Affairs Office.

For a list of typical student code of conduct offences, refer to the Student Code of Conduct Policy. This list is illustrative only and is not intended to define misconduct in exhaustive or exclusive terms.

Form Accessibility:

The Student Code of Conduct form is available on the Conestoga website and in hard copy format in Security Services, Counselling Services, Registrar's Office, Academic Chair offices at each campus, and the VP Student Affairs office. Individuals may request assistance in completing the form at any of these office locations.

Release of Information/Retention of Records:Freedom of Information & Protection of Privacy Rights

Conestoga respects the privacy and personal information of students for whom it retains personal information, and will comply with the Freedom of Information and Protection of Privacy Act regarding the gathering, retention, safeguarding and disposition of personal information.

Code of Conduct information will only be made available to the offending student (excluding identifying information of the initiator), the initiator, Security Services and any other agency required by law. Academic Administrator/designate and Residence Management will be notified of incidents as appropriate. Security Services will be notified of all incidents.

In situations where short or long term suspensions or discontinuances have been sanctioned, the student's Program Chair will be notified by the Vice-President Student Affairs/designate or the Academic Administrator/designate. Specific details of the incident will not be divulged except in instances of safety concerns. The Program Chair will notify the appropriate faculty of the suspension parameters. Faculty involved in reporting incidents are not to share any information with other persons. All parties will not share information concerning an incident without obtaining authorization/clearance from the Office of the VP Student Affairs.

Judgment will be applied by VP Student Affairs/designate and Director, Safety and Security Services/designate in situations that put at risk the security and/or safety of individuals and/or the campus community at large. Decisions regarding the release of incident details will be communicated according to the appropriate parties at the time of reporting.

External Requests for Information:

Specific occupations require the employer or placement agency to complete a background check on the student with the College in regards to whether the student who has applied for a position has any past record with Security and/or a Code of Conduct behaviour record. Only the Director of Safety and Security Services may address these inquiries. These requests for information are to be received and responded to in writing only. Requests must be by letter or by faxed copy that includes the organization's official name, logo and business contact information. No references are to be given by telephone or email. All requests are to be forwarded to the Director, Safety & Security Services for response, who will ensure that information is dispensed only after receipt of a signed waiver from the student/graduate, authorizing a release of information. A copy of the written reference provided by the Director will be kept in the office of the Director, Safety and Security Services for a minimum period of one year, or as long as is necessary for a student to exhaust all avenues of appeal – whichever is longer.

Retention and Location of Records:

This information pertains to all offices/departments who keep student behaviour records. Documents related to student behaviour and/or Code of Conduct incidents that are located in academic offices are to be forwarded to the Office of the VP for handling/disposal.

Records for incidents that resulted in long term suspensions or discontinuances that are located in both the Safety and Security Services Department and the Office of the VP Student Affairs will be kept for a period of 7 years. The College Residence would also have their own documentation if the incident occurred on their property. Long term suspensions and discontinuances are recorded on the student's record on the Student Information System.

Records for all other incidents that are located in the Safety and Security Services Department and the Office of the VP Student Affairs will be kept for a period of six months following the students' departure from the College.

DEFINITIONS:

Conestoga Property:	All campus locations, buildings, parking lots, and student Residence, either leased or owned.
Conestoga Residence:	Student Residence building and property.
School:	The college is organized into a number of schools e.g. School of Business.
Designate:	A College official appointed to act in place of the VP Student Affairs or Academic administrators, to carry out all responsibilities thereof
Academic administrators:	Deans, Chairs.
Faculty:	Faculty are person/s responsible for the teaching/learning process. This includes Technologists who, under the direction of faculty and Program Coordinators, perform specific functions related to the academic process.
Student:	The student who has been accused of violating the Student Code of Conduct and is named as the offender on the Incident Reporting Form.
Student's Record:	Student Information System (SIS) the College's official database system for the collection and maintenance of student academic records.
Panel Chair:	A staff member appointed by the Vice President Student Affairs to chair all Adjudication Panel meetings and oversee the adjudication process.
Informal Resolve:	Incidents resolved through a meeting with the VP Student Affairs.
Formal Resolve:	Incidents resolved by referral to the Student Code of Conduct Adjudication Panel.
Behaviour Contract:	Formal letters issued to students addressing Student Code of Conduct infractions. They are issued from the office of the VP Student Affairs (unless otherwise indicated) for the purpose of informing students of the assigned sanctions and behaviour expectations, for both informal and formal processes.

RESPONSIBILITIES:

Student Responsibilities:

Students have a fundamental responsibility to be familiar with and to obey the general law of the land, College policies and procedures including those of the Conestoga Residence, if applicable, while they are within the confines of the College buildings or student residence or on College grounds, and elsewhere when they are at College approved activities and events. The general law of the land includes the Criminal Code of Canada and other federal statutes and regulations, provincial statutes and regulations and by-laws of municipalities. The student has a right to provide the Adjudication Panel with a statement of explanation. This document would be given to the Panel Chair prior to the Adjudication Panel meeting and the Panel Chair will forward it to panel members for consideration prior to the meeting.

Note: While it is not required for the informal or formal process, the student may wish to consult with a third party to act as a resource or to provide support or advice during the process, e.g. a counselor from Counselling or Disability Services, a parent(s) or guardian, or any other internal or external person. The student will be required to sign a Confidentiality of Information Release form.

In the event of an appeal, the student will retain and provide all documentation and/or correspondence that has been provided to him/her in the event of an appeal, and participates in the inquiry and the hearing conducted by the Registrar/designate, in accordance with the Academic Dispute Resolution and Appeal Procedure.

College Responsibilities:

The College has the responsibility to ensure that the Student Code of Conduct policy and procedure is communicated to students and accessible by students. The College has the authority to maintain order on College property, including the Residence. College staff will impose sanctions in accordance with their responsibilities. When sanctions are assigned, the seriousness of the offence will be considered, as will the impact of the offence on the college community, including the victim, if any, and any previous offence by the student, and the impact on the student's education.

Faculty Responsibilities:

- a. Faculty has the right and responsibility to manage their classes and is responsible for outlining the expectations of student conduct and academic performance at the onset of each course.
- b. Faculty has the right to reprimand and/or to request students to leave their classroom (including labs, examination rooms, placement settings, clinical settings, field trips etc.) consequent to any violations of the Student Code of Conduct Policy and will complete the Student Code of Conduct Incident Reporting Form at their discretion. Failure by the student to comply with direction from faculty may result in additional sanctions being assigned by the Vice-President Student Affairs the Academic Administrator/ designate.
- c. In the event of an appeal, faculty members will participate in the inquiry and/or hearing, if required, conducted by the registrar/designate in accordance with the Student Code of Conduct Appeal Procedure.

Academic Administration Responsibilities:

- a. Academic Administrators have the right and responsibility to assess classroom management incidents and to apply sanctions for non-compliance by a student.
- b. The VP Student Affairs/designate and Academic Administrator/designate through discussion will determine who will handle the situation. If the Academic Administrator/designate is responsible for meeting with the student, they must ensure that follow up occurs with the student in writing, summarizing what was discussed and any sanctions that were applied. Copies of all documents (emails, letters, etc.) indicating the sanctions applied and any other supporting documentation must be forwarded to the Office of the VP Student Affairs for record keeping purposes.
- c. The Academic Administrator, Vice-President Student Affairs and Director, Safety and Security Services will collaboratively determine the appropriateness of a long term suspension or discontinuance recommendation received from the Adjudication Panel.
- d. In the event of an appeal, the academic administrator will participate in the inquiry and/or hearing conducted by the Registrar/designate in accordance with the Student Code of Conduct Appeal Procedure, if required, and discharge his/her respective responsibilities fairly and according to established timeframes.

VP Student Affairs/Designate Responsibilities:

- a. The Office of the VP Student Affairs has the right and responsibility to initiate informal resolve on offences and/or to refer serious offences to the Adjudication Panel. This would consist of levying sanctions excluding long term suspensions and discontinuances, dependent upon the level of the offence as recorded on the Incident Reporting form and supporting documentation from Residence and Safety and Security Services. The VP Student Affairs may take into consideration any Residence imposed sanctions.
- b. The VP Student Affairs has the right to make recommendations regarding sanctions to the Adjudication Panel. The Office of the VP Student Affairs/designate has the responsibility to record the offence(s)
- c. The VP Student Affairs has the right to enforce FIPPA requirements, monitor the sanctions levied, and ensures the adjudication panel decision is communicated, in writing, to the student, with a copy to the appropriate Academic Administrator/designate (if applicable) within two business days. Verbal notification may occur initially, if necessary, to keep within defined timelines.
- d. The VP Student Affairs is responsible for appointing a Panel Chair whose responsibilities include the recruitment and management of the Adjudication Panel committee.
- e. The VP Student Affairs, appropriate Academic Administrator, and the Director, Safety and Security Services will collaboratively determine the appropriateness of a long term suspension or discontinuance recommendation received from the Adjudication Panel.
- f. In the event of an appeal, the VP Student Affairs/designate will participate in the inquiry and/or hearing conducted by the Registrar/designate in accordance with the Student Code of Conduct procedure; discharge his/her respective responsibilities fairly and according to established timeframe.
- g. The office of the VP Student Affairs will notify Safety and Security Services of all incidents that do not originate from Security Services reports.

Director/Designate, Safety and Security Services Responsibilities:

- a. The Director, Safety and Security Services has the right and responsibility to apply and enforce sanctions under the Trespass to Property Act.
- b. The Director, Safety and Security Services will ensure that confidentiality and protection of privacy is maintained by ensuring requests are received in writing and that the a student waiver for Release of Information is collected, where required.
- c. The Director, Safety and Security Services will ensure campus safety is upheld by contacting police services and other emergency services when warranted;
- d. The Director of Safety and Security Services will ensure campus safety is upheld by communicating information to staff as appropriate, regarding individuals who are reasonably believed to be a threat to their personal safety and well-being or the safety and well-being of others.
- e. The Director, Safety and Security Services, Academic Administrator and Vice-President Student Affairs will collaboratively determine the appropriateness of a long term suspension or discontinuance recommendation received from the Adjudication Panel.

Adjudication Panel and Panel Chair Responsibilities:

- a. The Adjudication Panel has the right and responsibility to assign sanctions in an equitable and fair manner.
- b. The Panel Chair is responsible for the oversight and coordination of the panel process, and chairs the Adjudication Panel meetings ensuring that adherence to the terms of reference are monitored and protocol is practiced.
- c. The Panel Chair will notify the student in writing (email) within five (5) working days of receiving an Incident Reporting Form that the situation is being referred to the panel for handling. The student may also be informed verbally to expedite the process.
- d. The Panel Chair will schedule a meeting no more than ten (10) working days after the student has been notified. Time limits for scheduling panel meetings may be extended at the discretion of the Chair.
- e. The Adjudication Panel has the right and responsibility to review the information as recorded on the Student Code of Conduct Incident Reporting form and supporting documentation in order to determine appropriate sanction(s), as outlined in this policy. As the body responsible for adjudicating student code of conduct incidents, the panel has the authority in assigning sanction(s) or a combination thereof with the exception of assigning long term suspensions or discontinuances. When either of these sanctions are selected, the Panel Chair will bring this recommendation forward to the VP Student Affairs who will meet with the appropriate Academic Administrator and the Director, Safety and Security Services to collaboratively determine the appropriateness of the recommendation. The Panel Chair will then communicate the outcome of this decision to the Adjudication Panel.
- f. The Adjudication Panel may take into consideration any Residence imposed sanctions.
- g. The Panel Chair/designate prepares behaviour contracts and meets with the student to communicate the outcome within 2 business days of the panel meeting to communicate the final outcome from the Panel decision, and to review the assigned sanctions, obtaining the student signature signifying understanding of the parameters in the contract.
- h. Adjudication Panel meetings shall be conducted in camera.

Registrar/Designate Responsibilities – Appeal Process only:

- a. The Registrar/Designate has the right and responsibility to make Appeal Request Forms available to students and ensures that the policy and procedures are posted electronically;
- b. The Registrar/Designate will administer pre-hearing matters in accordance with the guidelines and acts in an advisory role to faculty members, Academic Administrators and members of the appeal panel.
- c. The Registrar/Designate will direct the response of an appeal panel decision to the student and the appropriate College personnel and will discharge his/her respective responsibilities fairly and according to established timeframes.

Identification and Reporting Incidents

Accessing the Student Code of Conduct Incident Reporting Form:

Any employee or student may submit a Student Code of Conduct Incident Reporting form. Forms are located online via the College's website and at each Dean/Chair's office throughout the College. The form can also be obtained from Safety and Security Services, Counselling Services (for students), the Registrar's Office and the Office of the VP Student Affairs. Individuals requiring assistance in locating or completing a form may contact any of the above departments for assistance. The Office of the VP Student Affairs maintains the form and is responsible for updating the form; however, all College departments are responsible for ensuring its availability to students and staff.

Safety and Security Services is contacted for incidents that occur on College property including the Residence, and completes an investigation prior to completing and submitting the information on a Student Code of Conduct Incident Reporting Form and accompanying Security Report.

Step 1:

If the violation is considered threatening or dangerous, contact Security Services and/or the Police immediately, before proceeding to Step 2. If the violation is not threatening or dangerous, proceed to Step 2.

Step 2:

Incidents are to be reported to Security Services where specific information will be collected concerning the incident. Security Services will conduct an investigation and a report of the findings will be submitted to the office of the VP Student Affairs. Section A and B of the Incident Reporting Form may be completed by either the individual reporting the incident or by Security Services staff, when the incident is reported. Safety and Security Services will forward the form with an accompanying Security Report to the Office of the VP Student Affairs immediately.

Office of the VP Student Affairs receives Student Code of Conduct Incident Report form, and checks for past offences on the Student Code of Conduct database. Section C is completed by the VP Student Affairs Office.

Investigation and Decision Making

Step 3:

VP Student Affairs/designate reviews the report and determines if the incident can be handled through an informal resolve process or referred to the adjudication panel for handling. If informal resolve is elected Academic Administrator/designate may be contacted for participation.

Step 4:

Office of The VP Student Affairs communicates with students within five (5) business days of receipt to arrange a meeting to discuss the incident and to seek informal resolve if appropriate. If the decision is made by the VP Student Affairs to refer the handling of the incident to the Academic Administrator, the Academic Administrator's office will contact the student to arrange a meeting and provide the student with follow-up information regarding the outcome. Following the informal resolve meeting, the VP Student Affairs/designate or the Academic Administrator/designate will submit the outcome, in writing, to the student within five (5) business days following the meeting. A decision regarding whether the incident is unfounded may be made at this time. Informal resolve sanctions cannot be appealed.

If informal resolve is not an option then referral will be made to the Adjudication Panel for formal handling. The student will be notified a minimum of two business days prior to the date of the Adjudication Panel meeting and informed that they may submit in writing a summary of their perspective of the complaint against them. This information must be submitted to the Office of The VP Student Affairs prior to the Adjudication Panel meeting, and this information will be taken into consideration by panel members at the panel meeting. The panel chair will inform the VP Student Affairs of the panel decision. The correspondence with the student will inform them of their right to appeal the penalty decision.

Step 5:

Subsequent to the Adjudication Panel meeting, the Panel Chair/designate meets with the student within two business days to review the assigned sanctions. A Behaviour Contract is prepared and issued to the student at this meeting. If monitoring of sanctions is required, the Office of the VP Student Affairs or Academic Administrator's office as appropriate will determine who will be responsible for enforcing assigned restrictions/penalties. If loss of privileges is a factor, the Office of the VP Student Affairs will notify the appropriate departments in writing (email) of the name of the student, student number, and a description and timeframe of the activities effected.

Step 6:

The office of the VP Student Affairs, on behalf of the Panel Chair, informs the initiator of outcome in writing, records offences and provides Safety and Security Services with a copy of the correspondence.

College Sanctions

Sanctions may be imposed alone or in combination as outlined below. The College/Adjudication Panel may take into consideration the sanctions levied against the student by either the Conestoga Residence management and/or the Waterloo Region Police Services (WRPS) when applicable. All incidents receive a Behaviour Contract outlining the sanctions from the VP Student Affairs.

Behaviour contracts are a written agreement between the student and the College and will be prepared and issued by the Office of the Vice President, Student Affairs unless directed otherwise. The Behaviour Contract will describe the nature of the offence, specify measurable behaviour that must be met and adhered to by the student in return for the reinstatement of good standing, and will provide a description of the consequences if the behaviour is repeated: i.e. referral to the Adjudication Panel for more severe disciplinary action, or in the case of the Adjudication Panel letter, recommendations for suspension or discontinuance. The letter may also include the help that is available within the College to assist the student with the behaviour problem (if appropriate) and/or to refer to external resources for assistance.

This written agreement will be submitted to the student by email following the meeting with the VP Student Affairs/designate and/or the Adjudication Panel meeting. Letters issued on behalf of the Adjudication Panel require students to sign the letter in agreement to the terms; Contracts will be monitored by the Office of the VP Student Affairs and other administrative staff as appropriate.

Reprimand: A notice/warning to cease the behaviour in question. Reprimands are usually levied for minor incidents. Students are informed that a repeat violation of the Code of Conduct policy will result in referral to the Adjudication Panel for disciplinary action. (this sanction is usually assigned by the VP Student Affairs).

Restitution and Fines: Restitution or fine must be paid within the time limit prescribed. Restitution includes the assignment of community service/volunteer service within a prescribed timeframe, payment for damages, and requests for letter(s) of apology to specific parties. Not limited to reimbursement for defacement, damage to, or misappropriation of property. (this sanction is usually assigned by the VP Student Affairs).

Loss of Privileges/Services: This sanction is levied for a specific period of time based on the seriousness of the offence. The terms must be met and adhered to by the student in return for reinstatement of the privileges/services. If the student completes the probationary period satisfactorily, privileges will be reinstated.

Short-Term Suspension: An order levied for up to five (5) school days and can be applied to a variety of situations. The number of days will be dependent upon the seriousness of the incident that was reported and/or the number of previously reported offences. It may also be levied while an investigation takes place or if it is determined that the continued presence of a student on campus constitutes a threat to the security and/or emotional safety and well-being of members of the College community, guests and/or College property – in these instances, the short term suspension cannot be appealed. The suspension will be communicated verbally and in writing by the VP Student Affairs/designate office to the student, and the appropriate Academic Administrator/designate. The short-term suspension will not have a punitive effect on the student and will not be recorded on his/her student record. Arrangements for

submitting assignments, projects, and/or writing tests, or quizzes will be allowed. The student's Academic Administrator/designate will be notified who will in turn notify the faculty that the student has been suspended. No details of the incident may be revealed without authorization from the Office of the VP Student Affairs.

Long-Term Suspension: An order banning a student from attending classes and from being on College property and prohibits participation in any College activities for a period greater than five school days and up to one semester. This penalty may result in failing (F) grades for courses in which the student is registered. No fees will be refunded for that semester. The College does not accept liability for the student's academic eligibility in the subsequent semesters or for any financial consequences that arise as a result of the suspension. This decision will be recorded in the student's record. The student will be given further information regarding the conditions for or timing of the student's return and/or readmission in a Behaviour Contract. As this sanction does affect a student's academic standing, protocol will require the Panel Chair to inform the Vice President Student Affairs who will confer with the Director, Security Services and the Dean/designate, and a decision will be rendered regarding the application of this sanction. Prior to the student returning to the College, the Vice-President Student Affairs will determine whether another Behaviour Contract needs to be implemented to monitor the student's behaviour while on campus. Failure to meet the terms of the contract will result in either another long term suspension or discontinuance from the College. Copies of the behaviour contract will be given to the Dean/designate.

Discontinuance: A decision rendered by the adjudication panel discontinuing a student immediately from all courses in which the student is enrolled and prohibiting participation in any College activities and from being on College property. This penalty will result in failing (F) grades for the semester in which the student is currently registered. No fees will be refunded for that semester. The minimum length of the discontinuance will be one academic year. The College accepts no liability for any financial consequences that arise as a result of the discontinuance. The decision will be recorded in the student's record. The adjudication panel will determine the terms for readmission and must include in its judgment the conditions and timelines the student must meet if the student will be permitted to apply for readmission after the period of discontinuance. A Behaviour Contract will be issued (see Behaviour Contract section below). As this sanction does effect a student's academic standing, protocol will require the Panel Chair to inform the Vice President Student Affairs who will confer with the Director, Security Services and/or the Dean/designate as appropriate, and a decision will be rendered regarding the application of this sanction.

Readmission Following a Long Term Suspension or Discontinuance

A student who has received a Long Term Suspension or Discontinuance for disciplinary reasons will be required to meet with the VP Student Affairs/designate if s/he wishes to re-enroll. The Vice President Student Affairs/designate determines if all conditions have been met (as stipulated in the Behaviour Contract) and if the student is eligible to return. The VP Student Affairs/designate will also assess whether a Behaviour Contract needs to be in place for the duration of the student's attendance at the College. The VP Student Affairs/designate will determine the conditions under which the student may register, following consultation with the appropriate Academic Administrator/designate(s).

Appeal Procedure:

Students have the right to appeal sanction(s) assessed under the Student Code of Conduct Procedure. Short Term suspensions assigned for safety or investigative purposes cannot be appealed.

The criteria for a formal appeal are as follows:

- New or significant evidence or information which was not considered or available at the time of sanctioning to the VP Student Affairs, the Dean or the Adjudication Panel.
- A substantial procedural error has been committed, or proper procedures were not followed in the application of the sanction under the Student Code Procedure.
- Sanction(s) assessed under the Student Code Procedure are perceived to be unreasonable or unduly harsh given the circumstances or offence.

The same appeal process is implemented for both academic appeals and nonacademic appeals. For complete information regarding how to file an appeal, please refer to the Academic Dispute Resolution and Appeal Procedure, beginning with Step 4. Please click on the link below to access the appeal procedure:

[Appeal Procedure](#)

Protection from Reprisals

The College prohibits reprisal or threat of reprisal against students who have raised matters of concern under this procedure. Individuals who violate these provisions shall be subject to discipline or other correction action.

References:

Student Code of Conduct Policy
Academic Dispute Resolution and Appeal Procedure
Freedom of Information/Protection of Privacy Act
External Request for Information Practice (Draft)

Revision Log:

Revision Date	Summary of Changes
2007-08-14	Academic Forum – Approved
2007-09-05	Academic Coordinating Committee – Approved
2009-03-12	Academic Forum
2009-04-01	Academic Coordinating Committee
2013-11-5	Policies and Procedures Committee – Revisions Approved
2013-11-13	Academic Coordinating Committee – Revisions Approved