

**RYERSONUNIVERSITY  
POLICY OF SENATE**

**STUDENT CODE OF NON-ACADEMIC CONDUCT**

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## TABLE OF CONTENTS

<b>POLICY</b>	<b>Page</b>
<b>A. STATEMENT OF PRINCIPLES</b>	<b>1</b>
<b>B. APPLICATION OF POLICY</b>	<b>2</b>
1. Peaceful Assemblies and Freedom of Expression	2
2. On Campus	2
3. Off Campus	2
4. Persons Covered by this Code	2
5. Relationship to Other Policies and Proceedings	3
a. Code Does Not Supersede Other Policies	
b. Civil or Criminal Proceedings	
c. Meeting requirements under the Occupational Health and Safety Act	
<b>C. OFFENCES PROHIBITED UNDER THIS CODE</b>	<b>3</b>
<b>D. REMEDIES AND PENALTIES</b>	<b>6</b>
1. Penalties imposed by the Student Conduct Officer	6
2. Penalties imposed by the Vice-Provost, Students	6
3. Penalties imposed by the Senate Appeals Committee	7
<b>E. APPEALS AND HEARINGS</b>	<b>8</b>
<b>F. INTERIM MEASURES</b>	<b>8</b>
1. Disruption of Instructional Activities	8
2. Urgent or On-going Situations and Risk Personal Safety	8
<b>G. POWER TO CREATE PROCEDURES UNDER THIS CODE</b>	<b>9</b>
<b>APPENDIX A: DESCRIPTION OF THE ASSESSMENT OF BEHAVIOURAL RISK TEAM (ABRT)</b>	<b>10</b>

## STUDENT CODE OF NON-ACADEMIC CONDUCT PROCEDURES

<b>A. DEFINITIONS</b>	<b>11</b>
<b>B. GENERAL PROVISIONS</b>	<b>12</b>
B1. Consultation with the Student Conduct Officer	12
B2. Correspondence and notice	12
B3. Representation	12
B4. Confidentiality	12
B5. Records of Complaints	12
B6. Burden and Standard of Proof in Establishing Misconduct	13
B7. No investigation required for a charge of Failure to Comply	13
<b>C. MISCONDUCT COMPLAINTS</b>	<b>13</b>
C1. How to file a complaint under the Code	13
C1.1 Who May Make a Complaint	13
C1.2 Form of Complaint	13
C1.3 Acting based on information received	13
C2. Determining whether the Conduct is covered under the Code	14
C2.1 Conduct not covered by the Code	14
C2.2 Conduct Covered by the Code	14
C3. Determining proper resolution paths for a complaint about conduct that is covered by the Code	14
C3.1 Informal resolution	14
C3.2 Involvement of Other University offices	15
C3.3 Discrimination and Harassment Complaints	15
C3.4 Residence Offence Procedures	15
C3.5 Code violations on campus which may affect Residence	15
C4. Notification and investigation of complaints	16
C4.1 Meeting with Person Making a Complaint	16
C4.2 Notice to Student	16
C4.3 Meeting with Student	16
C4.4 Student Failing to Respond to Student Conduct Officer	17
C4.5 Penalties levied under C 4.4	17
C4.6 Student Conduct Officer's Investigation	17
C5. Communicating the Decision made by the Student Conduct Officer	17
C5.1 Decision by Student Conduct Officer that the Student did not commit an offence	17
C5.2 Decision by Student Conduct Officer that the Student committed an offence	18

C5.3 Additional Details Regarding Penalties for the Student	18
C6. Remedies or Penalties Imposed by the Student Conduct Officer	18
C6.1 Failure to Comply	19
C7. Recommendation by Student Conduct Officer to Vice Provost, Students	19
C7.1 Investigation by Vice Provost, Students	19
C8. Decisions made by the Vice Provost, Students	20
C8.1 Decision by Vice Provost that the Student did not commit an offence	20
C8.2 Decision by Vice Provost that the Student committed an offence	20
C8.3 Additional Details Regarding Penalties for the Student	21
C8.4 Remedies or Penalties Imposed by the Vice Provost	21
C9. Recommendation by the Vice Provost of a Penalty that May Only be Imposed by the Senate Appeals Committee	21
<b>D. SENATE HEARINGS REGARDING NON-ACADEMIC DISCIPLINARY WITHDRAWAL OR EXPULSION</b>	<b>22</b>
D1. Non-Academic Disciplinary Withdrawal or Expulsion	22
D2. Hearing to be held before Hearing Panel of Senate Appeals Committee	22
D3. Hearing to be held with notice to Student	22
D4. Parties to the Hearing	22
D5. Open Hearing	22
D6. Student Opportunity to Hear the Charge and Respond	23
D7. Hearing Panel Decisions	23
<b>E. APPEALS</b>	<b>24</b>
E1. Appeals to the Vice Provost Students from Student Conduct Officer Decisions	
E2. Appeals to the Senate Appeals Committee of Decisions Made by the Vice Provost	
<b>F. INTERIM MEASURES</b>	<b>26</b>

## **POLICY**

### **A. STATEMENT OF PRINCIPLES**

Ryerson University is a learning, teaching, and work community of students, faculty and staff, committed to providing a civil and safe environment which is respectful of the rights, responsibilities, well-being and dignity of all of its members.

The Student Code of Non-Academic Conduct ("Code") reflects the expectation that students will conduct themselves in a manner consistent with generally accepted standards of behaviour, University regulations and policies, departmental policies, and in compliance with federal, provincial and municipal laws, as well as professional standards and codes of ethics that govern students who are members of some regulated professions.

The Code outlines, in a non-exhaustive manner, actions which the University considers to be non-academic misconduct offences and the range of remedies and/or penalties which may be imposed. The principles underlying this Code are educational and whenever appropriate the University encourages informal resolution of minor incidents. However, when necessary due to unacceptable conduct, penalties will be imposed in the manner described in the 'Procedures' document aligned with this Code to ensure an acceptable standard is maintained.

The foundational principles upon which the Code has been built include:

1. Every student enjoys within the University all rights and freedoms recognized by law.
2. The University has an obligation to maintain safe and suitable conditions for learning, teaching and working.
3. Students will conduct themselves in a manner consistent with the educational mission and policies of the University.
4. The University is not concerned with the way students conduct their personal lives and will not institute disciplinary proceedings unless Ryerson's interests are affected, the actions have a negative impact on faculty, staff or other students, the actions damage the learning, teaching and work environment of the University, or the actions impact the peaceful and safe enjoyment of University housing by residents and neighbours.
5. This Code is normally applied on the basis of a written complaint. In exceptional circumstances (e.g., where there is a risk of harm to a community member and/or the University has a legal obligation to act), the University may initiate proceedings based on information received (regardless of whether it is provided in writing at the time of the report).
6. All complaints will be handled and decision-making processes conducted in a manner consistent with the principles of natural justice and administrative fairness.
7. This Code will be applied regardless of the medium used for committing misconduct.
8. When a student's behaviour indicates a risk to others, then an interdisciplinary approach will be employed to assess risk and make recommendations.

This Code applies to non-academic conduct. Academic conduct is governed by the *Student Code of Academic Conduct*, Senate Policy 60.

Ryerson students, staff and faculty are responsible for familiarizing themselves with this Code.

## **B. APPLICATION OF POLICY**

### **1. Peaceful Assemblies and Freedom of Expression**

Nothing in this Code shall be construed to prohibit peaceful assemblies and demonstrations, lawful picketing, or to inhibit freedom of expression.

### **2. On Campus**

This Code applies to all conduct which takes place on University land and premises either rented or owned or using University owned or run property or equipment including, but not limited to, telephones, computers and computer networks. Conduct of students who live in residences and which takes place in residence is also governed by the Residence Contract and Community Standards.

### **3. Off Campus**

This Code applies to the conduct of students off campus:

- a. When they have declared publicly that they represent the University;
- b. When they are on a course or participating in an organized class activity;
- c. When they are participating in a Ryerson University event that has been identified as such; or
- d. In exceptional circumstances when the potential consequences of the conduct may adversely affect the complainant's course of learning, teaching or work at the University.

### **4. Persons Covered by this Code**

- a. Currently enrolled students: Special, graduate, undergraduate, law, exchange, audit and continuing education students enrolled either full-time or part-time in classes, either credit or non-credit, of the University, including collaborative programs and when on placements that are part of their academic program.
- b. Students who are active in a program but not currently enrolled in classes including students who have been assigned a Required to Withdraw academic standing.
- c. Former Students: if the person was a Student at the time of the alleged violation of the Code.

If any proceedings under this Code cannot be initiated or completed because a person against whom a complaint has been filed is no longer a Student as defined in this section, the proceeding may continue if the person becomes a Student again.

Penalties levied under such circumstances shall be noted on the person's record and the person shall not be permitted to enroll in any class or classes at the University until such time as the penalty imposed has been fulfilled.

## 5. Relationship to Other Policies and Proceedings

### a. Code Does Not Supersede Other Policies

Nothing in this Code shall replace or supersede any complaint, grievance or appeal procedure set out in any collective agreement to which the University is a party, the Student Code of Academic Conduct, or other University policies (e.g. Discrimination and Harassment Prevention Policy, Civility Policy, Ryerson Student Computing Guidelines, Residence Contract and Community Standards, etc.) .

When conduct may violate multiple policies, the Student Conduct Officer will assess whether this Code should apply and how best to proceed to ensure a fair, expeditious and, where possible, streamlined approach.

### b. Civil or Criminal Proceedings

Conduct that constitutes a breach of the Criminal Code or other statute, or that would give rise to a civil claim or action, should ordinarily be dealt with by the appropriate criminal or civil proceedings. In most cases, formal resolution by the University of any allegations which are the subject of a criminal or civil court proceeding will be suspended until the resolution of that proceeding.

In cases in which criminal or civil proceedings have not been taken, or the proceedings would not adequately protect the University's interests, and/or provide adequate safety and risk mitigation measures, the University reserves the right to take action under this Code, including the application of interim measures.

### c. Meeting requirements under the Occupational Health and Safety Act

Under the Ontario *Occupational Health and Safety Act*, all incidents of workplace violence, harassment that could lead to workplace violence, or domestic violence which may continue in the workplace must be reported and managed in accordance with University policies.

## **C. OFFENCES PROHIBITED UNDER THIS CODE**

The offences described in this Code are not intended to be exhaustive, but to provide reasonable guidance to students. Violations could consist of a single act, repeated acts or form part of a pattern of behaviour that, taken together, constitutes a violation of the Code.

1. Disruption of Learning, Teaching and Work - Students shall not behave in disruptive ways that obstruct the learning, teaching and work environment.
2. Malicious or Untrue Material –Students shall not distribute malicious materials or materials they know to be untrue about faculty, staff or students.
3. Threats and Harm to Health and Safety –Students shall not endanger, threaten, harm, or encourage others to endanger, threaten or harm, or act in ways which would reasonably

be perceived to endanger, threaten or harm the physical and mental well-being of community members.

4. Unauthorized Entry and/or Presence - Students shall not enter, use or let someone else use non-public areas of the University without permission and must leave those premises if asked to do so by authorized University staff.
5. Theft, Damage and Destruction of property - Students shall not steal, damage or destroy property of the University or a faculty, staff or other Student.
6. Misuse of Facilities, Equipment, Materials or Services - Students shall not:
  - a. use any facility, equipment, material or service in a manner which might put another person at risk and without proper authority;
  - b. obtain any University equipment, material or service by fraudulent means or by knowingly providing false information.
7. Misuse of Library or Computer Resources, Services, Equipment and Networks - Students shall not:
  - a. remove, borrow and/or retain books, equipment or other library material from the university libraries or designated areas of the library without proper authorization;
  - b. mutilate, deface, intentionally misplace library books or material or in any way deprive others of access to library resources;
  - c. abuse any University computer or computer related facility, network or software; alter or remove computer files or software without proper authorization; purposefully misplace or deprive others of access to such computer resources;
  - d. use computer equipment on campus, software, networks, accounts, email accounts or computer services owned, leased and/or operated by the University in a manner inconsistent with the University's acceptable Use Guideline; for a malicious purpose; or to download, distribute or send offensive, discriminatory, and/or harassing material.
8. Compliance with Directions from University Employees - Students are required to comply with directions of University employees (including faculty and staff) acting in the legitimate performance of their duties (e.g. regarding exam rules, instructor course management policies, smoking, evacuation, pets).
9. Identification on Request - Students are required to provide a valid form of identification (such as a Ryerson issued One Card) to representatives of University Security & Emergency Services, exam invigilators, or other University employees where such information is relevant to the legitimate pursuit of their duties.
10. Possession, Use or Distribution of False Identification - Students shall not possess, distribute or use false or altered identification.
11. Harassment - Students shall not:
  - a. engage in activity that violates the Discrimination and Harassment Prevention Policy based on the grounds specified by the Discrimination and Harassment Prevention



- Policy (race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status, disability);
- b. engage in conduct which, although not based on the grounds specified by the Discrimination and Harassment Prevention Policy, is abusive, demeaning, threatening, or intimidating, or involves the misuse of authority or power.
12. Misconduct Related to the Use of Alcohol/Drugs - Students shall not:
    - a. be drunk and disorderly in public;
    - b. possess, provide, or consume illegal drugs;
    - c. possess or consume alcoholic beverages, except when properly in attendance at a licensed campus pub or event, or as permitted under the Residence Contract;
    - d. possess or consume alcohol anywhere on University premises if under the age of nineteen (19) years;
    - e. provide alcoholic beverages to any person under the legal drinking age (nineteen (19) in Ontario).
  13. Hazing - Students shall not engage in any act which endangers or could reasonably be seen to endanger the mental or physical health or safety of a student, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization.
  14. Firearms, Explosives, Weapons – Students shall not use, possess, or distribute firearms, explosives, or other weapons, including replicas of firearms, explosives or other weapons.
  15. Unauthorized Use of Dangerous Chemicals – Students shall not use dangerous chemicals unless they have proper authority from the University.
  16. False, Frivolous or Malicious Charges - Complainants shall not knowingly bring a false, frivolous or malicious charge under this Code or any other policy of the University.
  17. Abuse of the Student Code of Non-Academic Conduct - Students shall not falsify, distort or misrepresent information, or obstruct the application of this Code.
  18. Failure to Comply – Students shall comply with remedies and penalties outlined in Policy Section D1 and assigned by the Student Conduct Officer as a result of breaching the Code.

## **D. REMEDIES AND PENALTIES**

The following penalties may be imposed for a breach of the Code or for failure of a respondent to comply with the remedies and penalties assigned under the Code as result of the breach. More than one penalty may be imposed concurrently for a single breach and/or failure to comply. When imposing a penalty, the full context will be considered including elements, such as but not limited to, the severity of the offence, the harm caused, pattern of behaviour, and whether the student has been found guilty of prior breaches of the Code. The Assessment of Behavioural Risk Team may be consulted in determining appropriate remedies and penalties, or the need for supports (e.g. those provided by the Access Centre or the Centre for Student Development and Counselling).

### **1. Penalties imposed by the Student Conduct Officer**

The following penalties may be imposed by the Student Conduct Officer:

- a. Written reprimand—a notice in writing to the Student that the Student has committed or is committing an offence
- b. Apology—an expression of regret for the offence in a form satisfactory to the Student Conduct Officer
- c. Letter of Behavioural Expectations—an undertaking (i) not to engage in certain behaviour, and (ii) setting out the consequences if the letter is not followed, and in some cases (iii) that prescribes a range of actions to be taken (e.g. seeking counselling, a psychiatric assessment, registration with the Access Centre, attending services off campus that should help the student).
- d. Community or University service or other activity that allows students to reflect on and learn from their behaviour of its impact
- e. Restitution—compensation for loss, damage or injury in the form of monetary or material replacement
- f. Restriction on communication, accessing premises and/or services—prohibition or limitation on entering University premises or specific parts thereof, restriction on contact with specific person(s), accessing a specific resource or service on campus (e.g., computer networks, RAC, etc.).

### **2. Penalties imposed by the Vice Provost, Students**

The following penalties may be imposed by the Vice Provost, Students, on the recommendation of the Student Conduct Officer:

- a. De-enrollment from a single class
- b. Non-Academic Disciplinary Suspension (NDS) for a period up to two (2) years. For continuing education students, suspension will result in the student being prohibited from enrolling in any classes at Ryerson during the period specified by the Appeals Committee.

- i. The length of the suspension is determined by the Vice Provost, Students and may be recommended by the Student Conduct Officer.
- ii. The NDS notation shall remain until students graduate, or for eight (8) years, whichever comes first. Students who subsequently graduate from another post-secondary institution may petition the Registrar's Office to have the notation removed. Continuing education students and part-time degree students may petition the Registrar to remove the NDS two years after the period of suspension has been served.
- iii. No classes may be taken at Ryerson, including at The G. Raymond Chang School of Continuing Education during the period of NDS specified by the Vice Provost, Students. Classes taken elsewhere during the period of suspension will not be credited towards GPA calculations, Academic Standing or graduation requirements within the student's program.
- iv. If the NDS is assigned during the semester, students may be permitted to complete some or all of the other classes in which they are enrolled, and the suspension will become effective at the end of the semester.
- v. A student who is assigned an NDS may not be admitted to any program or certificate until the specified period of suspension has been served and any specified conditions have been met.

### 3. Penalties imposed by the Senate Appeals Committee

The following penalties may only be imposed by the Senate Appeals Committee, on the recommendation of the Vice Provost, Students:

- a. Non-Academic Disciplinary Withdrawal (NDW)—Students who are assigned an NDW for non-academic misconduct shall be withdrawn from the University for a period of at least two (2) years. A NDW shall be permanently noted on a student's academic record and official transcript.
  - i. A student who is assigned an NDW may not apply to the same program but may apply to any other program after serving the specified period of withdrawal and after meeting specific conditions established by the Senate Appeals Committee;
  - ii. No classes may be taken at Ryerson, including at The G. Raymond Chang School of Continuing Education, during the period of NDW. Classes taken elsewhere during this period will not be credited towards GPA calculations, Academic Standing or graduation requirements within any Ryerson program;
  - iii. For continuing education students, NDW will result in the student being prohibited from enrolling in any classes at Ryerson during the specified period, and from enrolling in certificate programs or classes as determined by the Senate Appeals Committee.
- b. Expulsion-- Students who are expelled from the University shall not be allowed to register or enroll in any class or program of the University. Expulsion shall be permanently noted on a student's academic record and official transcript.

## **E. APPEALS AND HEARINGS**

1. **Burden and Standard of Proof:** The burden of proof is on the University. This means that the University must demonstrate that the offence has occurred and, in the case of an appeal, that the remedy or penalty is reasonable given the nature of the offence. The standard of proof in all decisions shall be a balance of probabilities. This means that it must be shown that it is more likely than not that the student committed the offence.
2. Appeals of the charges brought by, or penalties imposed by, the Student Conduct Officer under Policy section D1 are to the Vice Provost, Students. If the Student Conduct Officer recommends a penalty under Policy section D2, the Vice Provost, Students shall be the decision maker.
3. Appeals of charges brought by, or penalties imposed by the Vice Provost, Students under Policy section D2 are to the Senate Appeals Committee.
4. If the Vice Provost, Students recommends an NDW or Expulsion, the Senate Appeals Committee shall hold a hearing.
5. Decisions of the Senate Appeals Committee are final.
6. **Timeliness:** Every effort will be made to ensure these proceedings are handled in an expeditious manner. Students may contact the Student Conduct Officer when they are concerned about delays in the process. The Student Conduct Officer may dismiss charges when the University unduly delays the process.

## **F. INTERIM MEASURES**

1. **Disruption of Instructional Activities**

Disruption of instructional activities, including examinations, may be dealt with by the appropriate instructor as a matter of classroom discipline. The instructor may require the student to leave the area for the remainder of the particular class or examination. Any disruption that results in the removal of a student shall be reported to the Chair, Course Director or Program Director.
2. **Urgent or On-going Situations and Risk Personal Safety**
  - a. If there are reasonable grounds to conclude that a Student's continued presence on campus poses a risk of harm to the community, the safety of others is endangered, damage to University property is likely to occur, or the continued presence of the Student would be disruptive to the legitimate operations of the University, it may be necessary to remove the Student from the University. In such cases, the Student Conduct Officer may recommend to the Vice Provost, Students that the student be suspended from the University or be restricted from accessing specific areas on campus for up to five (5) working days. A temporary suspension must be reviewed by the Vice Provost, Students within the five (5) working day suspension period, and either revoked or continued.

- b. The Student Conduct Officer may also convene a meeting of the Assessment of Behavioural Risk Team in order to assess risk of harm to the Student or others and determine the best course of action to enhance safety.
- c. In circumstances indicating a risk of self-harm to the Student or harm to others, Security and Emergency Services may immediately and temporarily remove (–barll) a student from campus or a specified part of campus pending application of these Interim Measures and other parts of this Code.
- d. If the suspension under (a) is continued, the Student may request a hearing by the Senate Appeals Committee, who shall hear and decide on the matter within ten (10) working days. Grounds for appeal are limited to the following:
  - (i) That the Vice Provost, Students had no power under this Code to reach the decision taken
  - (ii) That there was a fundamental procedural error seriously prejudicial to the appellant; or
  - (iii) That the appellant has new evidence to present that could not reasonably have been presented earlier.
- e. The hearing process outlined in F.2.d above applies to Interim Measures only. Appeals for sanctions and remedies issued as a result of the breach of the Student Code of Non-Academic Conduct would follow the process described in Policy Part E.
- f. Appeals of a bar issued by Security and Emergency Services pursuant to the provisions of Part F of the Code shall be made to Security and Emergency Services.

**G. POWER TO CREATE PROCEDURES UNDER THIS CODE**

Procedures under this Code shall be established by the Vice Provost, Students in keeping with fair process and the principles of natural justice and in consultation with the Student Conduct Officer who shall convene a committee to provide recommendations for this purpose. The committee will include representatives from RSU and CESAR, and faculty among its members. Procedures shall be published annually at the start of each academic year. Published procedures shall be in effect for that academic year.

**APPENDIX A:  
DESCRIPTION OF THE ASSESSMENT OF BEHAVIOURAL RISK TEAM (ABRT)**

**Purpose of Team**

To provide the University with a working group to provide behavioural risk recognition, information gathering, initial risk assessment, critical interventions, and finally, recommendations and referral to the appropriate person or group with long term responsibility for risk mitigation and case management. The team itself is not responsible for long term case management but will refer to the appropriate resource on or off campus.

**Team Composition**

- Clinical Coordinator, Centre for Student Development and Counselling (Psychologist)
- General Counsel and Secretary of the Board of Governors
- Supervisor, Ryerson Security and Emergency Services
- Manager, Ryerson Security and Emergency Services
- Manager, Access Centre for Students with Disabilities
- Director, Office of the Provost and Vice President Academic
- Director, Ryerson Student Wellness Services (Physician)
- Psychologist, Centre for Student Development and Counselling
- Consulting Psychiatrist, St. Michael's Hospital
- Officer, Discrimination and Harassment Prevention Services
- Housing Manager (if the community member whose behaviour has activated the ABRT lives in residence or if an assessed risk may impact others living in residence)
- Student Conduct Officer

**Team Activation**

The team is activated by any member of the team when someone from the Ryerson Community either:

- threatens harm against another person or intentionally causes harm to another person;
- threatens harm to themselves, or intentionally causes harm to themselves;
- causes Ryerson community members to believe that the person poses a danger to themselves or any other person.

**Activation Timeframe**

The team makes every effort to respond to a crisis as soon as possible – usually within one business day or less.

## **STUDENT CODE OF NON-ACADEMIC CONDUCT PROCEDURES**

### **A. DEFINITIONS**

In these Procedures:

-Appellant<sup>11</sup> means a Student who has received a remedy or penalty under the Code and appeals that decision under Part E of the Procedures outlined below;

-Codell means the Student Code of Non-Academic Conduct, Policy Number 61 of the Ryerson University Senate;

-Hearing<sup>11</sup> means a meeting between the student and the Vice-Provost, Students and/or the Student and the Senate Appeals Committee conducted under Part D of the Procedures by the Senate Appeals Committee;

-Residence Contract and Community Standards<sup>11</sup> means the Residence Contract and Residence Community Standards as posted on the University website;

-Representative<sup>11</sup> means an advisory or support person, including an advocate provided by the RSU or CESAR, but does not include a lawyer or paralegal;

-Vice Provost<sup>11</sup> means the Vice Provost, Students of the University, or his or her designate;

-Working Days means all weekdays, excluding statutory holidays as indicated on the Ryerson University web site Statutory Holidays page.

All other capitalized words have the same meaning as under the Code, unless the Procedures state otherwise.

## **B. GENERAL PROVISIONS**

- B1. Consultation with the Student Conduct Officer** - Anyone may consult with the Student Conduct Officer, anonymously if they wish, on concerns:
- about Student conduct. For example, the Student Conduct Officer can provide advice on ways to resolve issues without launching a complaint and can assist in achieving informal resolution.
  - that a Student whose behaviour is causing a concern may pose a risk to him/herself or others. The Student Conduct Officer, working through the Assessment of Behaviour Risk Team, is part of an interdisciplinary approach the University uses to identify students at risk and determine appropriate interventions.
- B2. Correspondence and notice** - Consistent with Senate Policy 157, all formal notification and delivery of documents under the Code and these Procedures will be by email to a ryerson.ca email account. Students are required to monitor that account including during exams and holidays.
- B3. Representation** - The person making a complaint and the Student against whom a complaint is being made are entitled to the support and assistance of a Representative at any time in the process under the Code. Students are entitled to be assisted by a lawyer or paralegal only during a Hearing before the Senate Appeals Committee.
- B4. Confidentiality** - The University expects everyone involved in the complaints process to respect the confidentiality of personal information of individuals. The University will provide the person making the complaint and the Student with regular updates on the progress being made on the review of the complaint. When a final decision has been made, it will be provided to both the Student and the person who made the complaint.
- B5. Records of Complaints** - For the purposes of confidential and central record keeping, the Student Conduct Officer shall retain a non-identifying summary of the outcome of all complaints, whether or not they have proceeded to a formal resolution. The Student



Conduct Officer will also maintain and make available for consultation an anonymized version of decisions made under the Code.

- B6. Burden and Standard of Proof in Establishing Misconduct** – At each stage of decision-making under these Procedures the onus of establishing that there has been a violation of the Code shall be on the University. Decisions will be based on a balance of probabilities, meaning the evidence shows it is more likely than not the alleged violation occurred. The degree of probability should be proportionate to the seriousness of the allegations and the gravity of the potential sanctions.
- B7. No investigation required for a charge of Failure to Comply** – If a Student breaches Policy s. 18 of the Code, no investigation shall be required for the purpose of imposing additional remedies and penalties as a result of the breach.

## **C. MISCONDUCT COMPLAINTS**

### **C1. How to file a complaint under the Code**

- C1.1 Who May Make a Complaint** – Any Student, faculty or staff member may file a complaint.
- C1.2 Form of Complaint** – All Complaints must be submitted to the Student Conduct Officer in writing and must include the name and contact information including ryerson.ca email address of the person making a complaint. The Student Conduct Officer will not act on anonymous Complaints. The complaint must be submitted to the Student Conduct Officer within twenty (20) working days of the incident in question. This time period for filing notice of an alleged offence may be extended at the discretion of the Student Conduct Officer.
- C1.3 Acting based on information received** – Under exceptional circumstances, such as situations involving a risk of harm to a community member, proceedings under this Code may be initiated without a written complaint.

## **C2. Determining whether the Conduct is covered under the Code**

**C2.1 Conduct not covered by the Code** - After reviewing a complaint, the Student Conduct Officer may decide, without investigation, that the Complaint does not address conduct that is covered by the Code. In that case, the Student Conduct Officer will notify the person making the complaint and then close the file.

In appropriate cases, the Student Conduct Officer will refer the person making a complaint to the University office that deals with the subject matter of the Complaint.

**C2.2 Conduct Covered by the Code** – If the Complaint addresses conduct covered by the Code, the resolution of the Complaint will be carried out in accordance with these Procedures.

## **C3. Determining proper resolution paths for a complaint about conduct that is covered by the Code**

**C3.1 Informal resolution** - Whenever appropriate, the Student Conduct Officer will attempt to assist the person making the complaint and the Student to discuss the situation that has resulted in a complaint being raised to determine if the behaviour and/or the issues in dispute can be resolved by those most closely involved.

Typically, the Student Conduct Officer will assess the case and recommend appropriate options for informal resolution. There are several options for resolving a matter informally. A resolution may include, but is not limited to, sanctions listed in Policy section D1 of the Code. Options may also include providing advice, conflict coaching, conciliation, mediation and arranging a meeting between the Student and the complainant. If informal resolution is successfully reached, and compliance (if applicable) with a specified time period is achieved, then the file will be closed.

While many circumstances may affect informal resolution, the matter will normally proceed under the Code if:

- either party does not respond to a notice for an informal resolution meeting
- a resolution is not reached,
- a resolution is reached, but the Student does not comply with the resolution within the specified time period, or
- a resolution is reached, the Student completes the remedy, but continues to engage in the concerning behaviour.

**C3.2 Involvement of Other University offices** - Where the Complaint falls within the jurisdiction of the Code, the Student Conduct Officer may also involve other University offices in the Complaint (e.g., Discrimination and Harassment Prevention Services, Assessment of Behavioural Risk Team, Security and Emergency Services, Access Centre, or Centre for Student Development and Counselling).

**C3.3 Discrimination and Harassment Complaints** - If the Complaint alleges a violation of the Discrimination and Harassment Prevention Policy under B10 of the Code the Student Conduct Officer must consult with Discrimination and Harassment Prevention Services, and an investigation by Discrimination and Harassment Prevention Services may result. This will be the only investigation undertaken by the University in response to allegations of discrimination and harassment under the Code. The person making a complaint shall be advised that Discrimination and Harassment Prevention Services conducts investigations and makes recommendations based on the investigative findings and delivers educational programming but does not decide complaints or impose remedies or penalties.

**C3.4 Residence Offence Procedures** - Any breaches of the Residence Contract and Community Standards will be handled in the first case by Student Housing Services staff. In addition to residence sanctions, serious breaches which also fall under the Code may be forwarded to the Student Conduct Officer. Housing Services may also involve the Student Conduct Officer in collaboratively resolving complaints made under the Residence Contract and Community Standards.

**C3.5 Code violations on campus which may affect Residence** – The Student Conduct Officer may notify the Student Housing Services of any student living in residence who has been found to have breached the Code outside of residence and whose conduct may pose a risk to health, safety, physical and/or mental well-being of students and staff in residences.

#### **C4. Notification and investigation of complaints**

**C4.1 Meeting with Person Making a Complaint** - As part of the investigation and assessment of the Complaint, the Student Conduct Officer should normally meet with the person making a Complaint within three (3) Working Days after receiving the Complaint. During the meeting, the Student Conduct Officer will determine the appropriate resolution path, inform the complainant of the process, and shall remind the person making a complaint of the confidentiality expectations described in section B4 of the Procedures. The person making a complaint is permitted to bring a Representative to the meeting with the Student Conduct Officer. The Representative must be present in person. The Representative is intended to provide personal support and shall not act as an advocate.

**C4.2. Notice to Student** - After meeting with the person making a complaint, if the Student Conduct Officer determines the issue(s) raised should be handled under the Code, the Student Conduct Officer shall invite the Student to meet and provide the Student with a written notice of the Complaint. The notice shall include:

- a description of the specific allegation made against the Student;
- the identity of the person making a complaint, unless the Student Conduct Officer determines, in his or her discretion, not to do so due to safety concerns;
- a brief outline of the information received by the Student Conduct Officer;
- a statement outlining the confidentiality expectations described in section B4 of the Procedures; and

- the requirement for the Student to meet with the Student Conduct Officer to discuss the Complaint within five (5) working days of the date the Student Conduct Officer provided the notice of the Complaint to the Student.

C4.3 **Meeting with Student** - The Student is entitled to bring a Representative to the meeting with the Student Conduct Officer. The Representative must be present in person. The Representative is intended to provide personal support and shall not act as an advocate. The Student Conduct Officer may discuss with the Student the penalties or remedies that could result from a finding that the Student has violated the Code.

C4.4 **Student Failing to Respond to Student Conduct Officer** - If a Student does not respond to the Student Conduct Officer's notice, or refuses to meet with the Student Conduct Officer, the Student Conduct Officer may complete the investigation and assessment of the Complaint and impose remedies, as appropriate, without any input from the Student.

C4.5 **Penalties levied under C 4.4** - Penalties levied under circumstances described in section C 4.4 shall be noted on the Student's record and the Student may not be permitted to register for any class or classes at the University until such time as the penalty imposed has been fulfilled.

C4.6 **Student Conduct Officer's Investigation** - For the purposes of completing his or her investigation and assessment of the complaint, the Student Conduct Officer may conduct as many meetings as are needed with the people affected or those who may be knowledgeable about the situation being investigated. The Student Conduct Officer will complete his or her investigation as soon as possible, normally within twenty (20) Working Days. However, if circumstances are such that additional time is needed, the Student Conduct officer will advise the Student and the person who raised the complaint accordingly. The Student Conduct Officer shall provide the Student with an opportunity to know and respond to all relevant information obtained during the investigation.

## **C5. Communicating the Decision made by the Student Conduct Officer**

**C5.1 Decision by Student Conduct Officer that the Student did not commit an offence** - if the Student Conduct Officer decides that the Student has not violated the Code, the Student Conduct Officer shall provide her or his decision to both the person making a complaint and Student. The decision shall contain:

- a brief summary of the information provided by the person making a complaint and the Student;
- a brief summary of any other relevant information collected by the Student Conduct Officer during the investigation; and
- reasons explaining the Student Conduct Officer's decision.

**C5.2 Decision by Student Conduct Officer that the Student committed an offence** - If the Student Conduct Officer decides that the Student has violated the Code and that it is appropriate for the Student Conduct Officer to impose one or more penalties or remedies contained in Policy section D.1 of the Code, the Student Conduct Officer shall provide her or his decision to both the person making a complaint and Student. The decision shall contain:

- a brief summary of the information provided by the person making a complaint and the Student;
- a brief summary of any other relevant information collected by the Student Conduct Officer during the investigation;
- reasons explaining the Student Conduct Officer's decision;
- the remedies or penalties that the Student Conduct Officer will impose under Policy section D.1 of the Code, the deadline for complying and whatever consequences for non-compliance are appropriate in the circumstances;

- an explanation of the process for appealing all or part of the decision of the Student Conduct Officer to the Vice Provost.

**C5.3 Additional Details Regarding Penalties for the Student** – If a common decision letter would disclose personal information of either party, the Student Conduct Officer will send separate, confidential versions of the letter to each party.

**C6. Remedies or Penalties Imposed by the Student Conduct Officer** - If the Student Conduct Officer has made a decision pursuant to section C5.2 of the Procedures, then the Student Conduct Officer shall implement those remedies or penalties.

**C6.1 Failure to Comply** – If the Student is found to have breached the Code and has failed to comply with remedies and penalties assigned under Policy section D1, additional remedies and penalties, as described in Policy section D1, may be imposed by the Student Conduct Officer. If further issues arise, or the Student refuses to comply with the additional remedies and penalties, the matter will be referred to the Vice Provost, Students for consideration of imposing penalties and remedies outlined in Policy section D2.

**C7. Recommendation by Student Conduct Officer to Vice Provost** - if the Student Conduct Officer is of the opinion that the Student has violated the Code and that it is appropriate for the Student Conduct Officer to recommend that the Vice Provost consider imposing one or more penalties or remedies under Policy section D.2, or that the Vice Provost consider recommending that the Senate Appeals Committee consider imposing one or more penalties or remedies under Policy section D.3 of the Code, the Student Conduct Officer shall provide that recommendation to the Vice Provost and the Student. The Student Conduct Officer's recommendation shall contain:

- a brief summary of the information provided by the person making a complaint and the Student;
- a brief summary of any other relevant information collected by the Student Conduct Officer during the investigation;

- reasons explaining the Student Conduct Officer’s opinion; and
- the remedy or penalty that the Student Conduct Officer is recommending that the Vice Provost consider imposing under Section D.2 of the Code or recommend to the Senate Appeals Committee under Section D.3 of the Code.

**C7.1 Investigation by Vice Provost** - If the Vice Provost receives a recommendation from the Student Conduct Officer under section C7 of the Procedures, the Vice Provost may in her or his discretion consider the recommendation of the Student Conduct Officer, and/or conduct any additional investigation considered necessary before issuing a decision. The Vice Provost shall provide the Student with an opportunity to know and respond to any additional relevant information obtained during the Vice Provost’s investigation.

**C8. Decisions made by the Vice Provost, Students**

**C8.1 Decision by Vice Provost that the Student did not commit an offence.** If the Vice Provost decides that the Student has not violated the Code, the Vice Provost shall provide her or his decision to both the person making a complaint and the Student. The decision shall contain:

- a brief summary of the information provided by the person making a complaint and the Student;
- a brief summary of any other relevant information collected by the Vice Provost during the investigation; and reasons explaining the Vice Provost’s decision.

**C8.2 Decision by Vice Provost that the Student committed an offence** - If the Vice Provost decides that the Student has violated the Code and that it is appropriate for the Vice Provost to impose one or more penalties or remedies contained in section D2 of the Code, or one or more lesser penalties or remedies under section D1 of the Code, the Vice Provost shall provide her or his decision to both the person making a complaint and the Student. The Vice Provost’s decision shall contain:



- a brief summary of the information provided by the person making a complaint and the Student;
- a brief summary of any other relevant information collected by the Vice Provost during the investigation;
- reasons explaining the Vice Provost's decision;
- the remedies or penalties that the Vice Provost will impose under Section D2 or D1 of the Code; and
- an explanation of the process for appealing all or part of the decision of the Vice Provost to the Senate Appeals Committee.

**C8.3 Additional Details Regarding Penalties for the Student** – If a common decision letter would disclose personal information of either party, the Vice Provost, Students will send separate, confidential versions of the letter to each party.

**C8.4 Remedies or Penalties Imposed by the Vice Provost:** If the Vice Provost has made a decision pursuant to section C8.2 of the Procedures, then the Vice Provost shall implement those remedies and penalties and will normally do so within ten (10) Working Days after receiving the recommendation and opinion of the Student Conduct Officer.

**C9. Recommendation by the Vice Provost of a Penalty that May Only be Imposed by the Senate Appeals Committee** – If the Vice Provost is of the opinion that the Student has violated the Code and that the appropriate penalty or remedy is Non-Academic Disciplinary Withdrawal or expulsion (section D.3 of the Code), the Vice Provost shall:

- notify the Student that the Vice Provost will be advising the Senate Appeals Committee that the Student has been charged with violating the Code. The notice to the Student shall provide enough detail of the circumstances for the Student to identify the alleged act or conduct giving rise to the charge and the rationale for the recommended penalty;

- advise the Student of the process to be followed by the Senate Appeals Committee under Part D of the Procedures; and
- advise the Senate Appeals Committee of the need to convene a hearing into the charges under Part D.

#### **D. SENATE HEARINGS REGARDING NON-ACADEMIC DISCIPLINARY WITHDRAWAL OR EXPULSION**

- D.1 **Non-Academic Disciplinary Withdrawal or Expulsion** – The penalties of non-academic disciplinary withdrawal or expulsion (D3 of the Code) may only be imposed after a Hearing before a panel of the Senate Appeals Committee on the recommendation of the Vice Provost.
- D.2 **Hearing to be held before Hearing Panel of Senate Appeals Committee** - The Secretary of Senate shall convene a Hearing before a panel of at least four (4) members, at least one of whom must be a student (—Hearing Panell). A quorum shall consist of four (4) members, including the panel chair and at least one student.
- D.3 **Hearing to be held with notice to Student** - The Hearing shall be scheduled based upon the availability of the Student and the Vice Provost. Effort should be made to accommodate the availability of the Representative or lawyer or paralegal (if applicable) and witnesses. Normally within ten (10) Working Days of the recommendation under Procedures section C9, the Secretary of Senate will provide the date of the Hearing to the Student and the Vice Provost. Students must receive at least ten (10) Working Days’ notice of the date, time and place of the Hearing. A Hearing may take place with less than ten (10) days’ notice with the written agreement of the Student.
- D.4 **Parties to the Hearing** - The parties to the Hearing shall be the Vice Provost and the Student. Either party may be represented at the Hearing by a Representative, a lawyer or a paralegal.

- D.5 **Open Hearing** - The Hearing shall be open to the public unless the Hearing Panel is of the opinion that intimate financial, personal or confidential matters may be disclosed at the Hearing that would outweigh the principle that Hearings ought to be open. Any of the Parties may ask that a Hearing be closed. The Hearing Panel may also decide to close a Hearing without receiving a request.
- D.6 **Student Opportunity to Hear the Charge and Respond** – At the outset of the Hearing, the Chair of the Hearing Panel shall tell the Student what he or she has been charged with and ask the Student whether or not he or she admits the offence(s).
- D.7 **Hearing Panel Decisions** – The Hearing Panel shall decide by a majority vote:
- whether or not the Vice Provost has proven the charge or charges on a balance of probabilities; and
  - if the charge is proven, what the appropriate penalty, penalties, and/or remedy or remedies should be. The Hearing Panel may impose any penalty, remedy or combination thereof that is allowable under section D of the Code and is reasonable given the charges.
- D7.1 The Chair of the Hearing Panel will cast a vote only in the case of a tie.
- D7.2 All members of the Hearing Panel must be present for the entire Hearing in order to participate in the deliberation or decision
- D7.3 The Hearing Panel shall provide reasons for its decision on the charge in writing to the Secretary of Senate. If a penalty is imposed it will include its rationale for the imposition of a particular sanction. The Secretary of Senate shall provide the reasons for decision to the Student and the Vice Provost, and, in the event a penalty under Policy section D3 is imposed, copies to the Student’s program department and Faculty and the Registrar within five (5) Working Days of the Hearing.
- D7.4 Decisions of the Hearing Panel are final and not subject to further review.

## **E. APPEALS**

### **E1. Appeals to the Vice Provost Students from Student Conduct Officer Decisions:**

- E1.1 A Student may appeal all or part of a decision made by the Student Conduct Officer to the Vice Provost within ten (10) Working Days of the day the email containing the decision was sent. The Student is then known as the Appellant.
- E1.2 The Appellant must file the appeal using the appeal form available from the Office of the Vice Provost, Students.
- E1.3 **Response by the Student Conduct Officer** - The Student Conduct Officer will be permitted to respond in writing to material submitted by the Appellant within five (5) Working Days of the delivery of the Appellant's material. The Vice Provost will provide the Student Conduct Officer's submissions, if any, to the Appellant.
- E1.4 **Appeal normally to be determined on the basis of written materials** - Normally, the Vice Provost will decide the appeal on the basis of the written material provided by the Appellant and the Student Conduct Officer.
- E1.5 **Meeting to be held with notice to the Appellant** - The Vice Provost may exercise her or his discretion to convene a meeting with the Appellant and the Student Conduct Officer and hear from them or any other person. If the Vice Provost decides to convene a meeting, the Office of the Vice Provost shall provide the Appellant with a minimum of ten (10) Working Days' notice of the time of the meeting. The Appellant may waive all or part of this notice period.
- E1.6 **Decision issued by Vice Provost, Students** - The Vice Provost Students shall deliver a decision in writing within five (5) Working Days either of the receiving the materials from the Student Conduct Officer or the meeting, if one is held. The Vice Provost may:
- a) dismiss the appeal in whole or in part;
  - b) grant the appeal in whole or in part;

- c) decide that the Student did not commit an offence under the Code; or
- d) substitute any one or more of the remedies and penalties available under Policy sections D1 or D2 of the Code.

## **E2. Appeals to the Senate Appeals Committee of Decisions Made by the Vice Provost**

E2.1 A Student may appeal all or part of a decision made by the Vice Provost to the Senate Appeals Committee within ten (10) Working Days of the day the email containing the decision was sent. The Student is then known as the Appellant.

E2.2 The Appellant must file the appeal using the appeal form available from the Office of the Senate.

E2.3 The Secretary of the Senate shall advise the Vice Provost that the Appellant has appealed from the decision.

E2.4 Within ten (10) Working Days, the Vice Provost must advise the Secretary of the Senate and the Appellant whether he or she is:

- consenting to the Appellant's appeal and abandoning the charges; or
- continuing with charging the Appellant with violating the Code.

E2.5 If the Vice Provost responds to the appeal by continuing with charging the Appellant under the Code:

- the Vice Provost shall follow the process set out in section C 8.2 of the Procedures and;
- the appeal shall be conducted as a Hearing according to the procedures contained in Part E.

E2.6 Decisions of the Hearing Panel are final and not subject to further review.

## **F. INTERIM MEASURES**

- F1. Anyone may contact the Student Conduct Officer about ongoing Student conduct concerns and/or Student conduct which appears to constitute a risk to personal safety of another person.
- F2. The Student Conduct Officer will normally advise Security and Emergency Services about the reported circumstances.
- F3. Normally, the Student Conduct Officer will consult with the Assessment of Behavioural Risk Team in order to assist in determining whether or not the conduct causes a reasonable belief that the safety of others is endangered or the continued presence of the Student would be disruptive to the legitimate operations of the University.
- F4. Based on a recommendation by the Student Conduct Officer, the Vice Provost may impose a temporary suspension of up to five (5) Working Days.
- F5. The Vice Provost will provide the Student with a summary of the facts giving rise to the suspension, as well as specific conditions to a Student's return to campus if applicable.
- F6. The Vice Provost will review the decision within five (5) working days of the decision to temporarily suspend a Student. The review may include any additional information available to the Vice Provost at that time. The Vice Provost may meet with the Student.
- F7. If the Vice Provost decides to continue the temporary suspension then the Student may appeal to the Senate Appeals Committee who shall hear and decide the matter within ten (10) working days unless the Student agrees to extend the period of time.
- F8. A hearing of a panel of the Senate Appeals Committee on a temporary suspension under F.4 of the Code shall be convened by the Secretary of Senate.

- F9. The appeal is only regarding the decision to continue the temporary suspension. The grounds for appeal are limited to the following:
- the Vice Provost had no power under the Code or Procedures to reach the decision taken;
  - there was a fundamental procedural error seriously prejudicial to the Student; or
  - the Student has new evidence to present that could not reasonably have been presented earlier.
- F10. The suspension will remain in effect for the duration of the appeal.
- F11. The Assessment of Behavioural Risk Team may develop guidelines for the application of interim measures.