

Student Misconduct Policy

Effective Date: January 19, 2004

Revised Date: December 21, 2007; February 26, 2008

1. Policy Statement:

- 1.1. This policy describes the informal and formal mechanisms available when misconduct by a student is alleged and to provide for the review and reconsideration of student misconduct decisions. All levels of formal review will follow the principles of natural justice and will have been preceded by attempts to informally resolve the dispute.
- 1.2. Ashton College may choose to address some conduct-related matters via the Criminal Code of Canada. Activities to be addressed in this manner will be pursued by the normal legal means.

2. Procedures:

- 2.1. In the case of an incident of student misconduct, the relevant parties shall meet in order to attempt to resolve the issues informally.
- 2.2. If informal settlement of the issues is impossible, a party may initiate formal action by filing a written report of the incident with the Vice-President. If the matter is referred to the Vice-President, the relevant parties shall be given notice that they may submit written statements to the Vice-President within seven (7) days of such notice. The parties may also request to be heard in person.
- 2.3. Within fourteen (14) days of the deadline for receiving the statements and /or oral representations, the Vice-President must make a decision. The Vice-President may take one or more of the following courses of action:
 - 2.3.1. Dismiss the action;
 - 2.3.2. Try to resolve the situation informally;
 - 2.3.3. Issue a formal reprimand;
 - 2.3.4. Assess and recover the costs to rectify the damage or loss caused by the student (if applicable);
 - 2.3.5. Require the student to write a letter of apology;
 - 2.3.6. Suspend the student; or
 - 2.3.7. Dismiss the student.
- 2.4. In deciding the appropriate penalty to impose, the Vice-President shall consider the following:
 - 2.4.1. The extent of the misconduct;
 - 2.4.2. The accidental or deliberate nature of the misconduct;

- 2.4.3. Whether the act in question is an isolated incident or part of a number of repeated acts;
- 2.4.4. Any other aggravating or mitigating circumstances.
- 2.5. If the Vice-President takes action 2.3.1. through 2.3.6. above, the student is advised that a copy of the action taken will be placed in the student's file and, if applicable, that in the event of any further reports of misconduct, the report may be used to determine a penalty to be imposed. If the Vice-President takes action 2.3.7. above, the policy related to Student Dismissal will be followed.
- 2.6. Except in the case of the Vice-President taking action in terms of 2.3.7. above, if any party is dissatisfied with the decision of the Vice-President, that party may refer the matter in writing to the College President within seven (7) days of the decision of the Vice-President. Within seven (7) days of receiving the notice, the College President shall give notice to the appropriate parties and to the Vice-President that they may submit written statements to the President within fourteen (14) days of such notice. The parties and the Vice-President may also request to be heard in person.
- 2.7. The College President must consider the written statements (if any) as well as the oral presentations (if any) within fourteen (14) days of receiving the written statements or hearing the oral presentations, whichever is the later.

The College President can decide to confirm or dismiss the decision of the Vice-President. In the case of dismissal, the College President may impose a penalty mentioned in 2.3.1. to 2.3.6. above as an alternate penalty.
- 2.8. The decision of the College President shall be final from which no appeal may lie. This shall not detract from any party's right to pursue the matter through other appropriate legal means.

3. Appendix:

The following are considered by the College to be examples of misconduct but are in no way the only situations:

- 3.1. Disruptive or dangerous behaviour;
- 3.2. Creating or being part of any situation, which endangers or threatens or is designed to endanger or threaten the health, safety or well-being of any other individual;
- 3.3. Harming, injuring, or threatening any other person;
- 3.4. Possession or use of any College property or any property of another College member without the appropriate permission;
- 3.5. Misappropriating, destroying or damaging College property or the property of another College member;
- 3.6. Harassment of another College member.