



MEMORANDUM

TO: Members of the University Affairs Board

DATE: January 15, 2002

SUBJECT: Report of the Special Committee to Review the *Code of Student Conduct*

Highlights:

In December 2000, the University Affairs Board appointed a Special Committee to Review the *Code of Student Conduct*. The Committee was co-chaired by Mr. Muhammad Basil Ahmad and Dr. Heather Lane and had as its members, Ms. Karen Lewis, Mr. Darren Levstek, Professor Ian McDonald, and Ms. Szu-Mae Yoon. Professor Ian Orchard and Ms. Susan Addario served as assessors to the Committee and Mrs. Beverley Stefureak was the Secretary.

The Special Committee met extensively over the period January to August, 2001, receiving written and oral input from a significant number of the University community. The final report has been reviewed by the University's legal counsel, who has commended the Committee and expressed appreciation for their work in effectively addressing the issues that triggered the review.

If approved by the Board, and subject to Governing Council approval, the revised *Code* will become effective on July 1, 2002.

Jurisdictional Information:

Terms of Reference of the University Affairs Board indicate that: "Policy concerning members of the community that is not governed by academic policies or employment policies is the responsibility of the Board. This includes such matters as non-academic discipline, sexual harassment, freedom of speech, alcohol use on campus and smoking policies." The terms of reference further state that new policies will normally require the approval of the Governing Council. While this is not a new policy, there are significant changes and it is the intent to take it forward for approval at that level.

Action Sought:

THAT the Report of the Special Committee to Review the *Code of Student Conduct*, the recommendations contained therein, and the revised *Code of Student Conduct* attached to the Report as Appendix B be recommended to the Governing Council for approval.



University of Toronto

**Report of the
Special Committee of the
University Affairs Board
to Review the
*Code of Student Conduct***

January 14, 2002

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University of Toronto

Report of the Special Committee of the University Affairs Board to Review the Code of Student Conduct

January 14, 2002

Executive Summary of Recommendations

- Recommendation 1: The Committee recommends that the *Code* be amended to include the following wording: "In some circumstances, such as those involving serious threats or violent behaviour, it may be necessary to remove a student from the University. Where the head of the division has requested an investigation by the Investigating Officer and the investigation is pending, the Vice-President & Provost (or delegate) may, on the advice of the head of the division, suspend a student or students temporarily for up to three working days if, in the opinion of the Vice-President & Provost (or delegate), there is reasonable apprehension that the safety of others is endangered, damage to University property is likely to occur, or the continued presence of the student(s) would be disruptive to the legitimate operations of the University. The student(s) shall be informed immediately in writing of the reasons for the suspension and shall be afforded the opportunity to respond. Any such temporary suspension must be reviewed by the Vice-President & Provost (or delegate) within the three-day temporary suspension period, following a preliminary investigation, and either revoked or continued. If the suspension is continued, the student may appeal to the Senior Chair (or delegate), or the Associate Chair (or delegate) of the University Tribunal, who shall hear and decide on the appeal within five days." 12
- Recommendation 2: The Committee recommends that the section on Procedures be amended to include the following direction to the heads of divisions: "In those cases where the allegations of behaviour are serious and, if proven, could constitute a significant personal safety threat to other students or members of the University community, the head of the division is authorized to put in place interim conditions that balance the need of complainants for safety with the requirement of fairness to the respondent student. The interim conditions are in no way to be construed as indicative of guilt, and shall remain in place until the charges are disposed of under the *Code's* procedures." 13

- Recommendation 3: The Committee recommends that the *Code* maintain a single procedure for all students. Where it is suspected that a student's alleged behaviour is linked to mental health illness, this should be taken into account in shaping the sanction or the mediated resolution. The Committee further recommends that considerable effort be made for early intervention and community support in cases where student behaviour is difficult, dangerous or disruptive and appears to be linked to mental health concerns..... 15
- Recommendation 4: The Committee recommends that information technology-related offences be treated the same as other offences under the *Code of Student Conduct*, and that this be noted in the Preface of the *Code*. 15
- Recommendation 5: The Committee recommends that the imposition of information technology-related sanctions must take into consideration whether or not such sanctions will impose an unfair or unreasonable disadvantage on a student's academic participation in the University. 16
- Recommendation 6: The Committee recommends that the Vice-Provost, Planning and Budget, initiate a full review of the University's guiding principles and values concerning the academic *and* non-academic use of information technology. Following this review, the guidelines on *Appropriate Use of Information Technology* should be revised to reflect the principles established. The review should include the participation of student affairs staff, residence life staff, and students. 16
- Recommendation 7: The Committee recommends that enforcement of bandwidth limits in residences be treated as simple contractual agreements between the student residents and the Internet service provider, not as a matter of non-academic discipline. 17
- Recommendation 8: The Committee recommends that the University work towards making considerably more bandwidth available for residences and other non-academic purposes..... 17
- Recommendation 9: The Committee recommends that the University offer ongoing awareness and educational programs concerning the appropriate use of information technology. 17
- Recommendation 10: The Committee recommends the addition of Section 13 to the Preface of the *Code of Student Conduct* which confirms its jurisdiction, where appropriate and desirable, over offences which normally might be handled under other policies and codes in the University. 18
- Recommendation 11: The Committee recommends that a committee, representative of residence staff, including residence network administrators, review residence codes with a view to standardizing, to the degree that this is reasonable, what constitutes an offence, the range of sanctions, process, and the behaviour that can lead to

- eviction; and, ensuring that residence codes clearly provide for the case to be moved to a hearing under the *Code of Student Conduct* if, due to the severity of the offence, that is desirable. 19
- Recommendation 12: The Committee recommends that annual orientation and training seminars be conducted for divisional heads, students and others acting as investigating officers and hearing officers, and sitting on divisional tribunals and panels, and that such seminars include, as expert resources, individuals who administer, for example, the *Policy and Procedures: Sexual Harassment*, residence codes and network policies and the *Fair Play Code*. 19
- Recommendation 13: The Committee recommends that a method be designed for individuals dealing with the same type of code in similar environments (e.g., residence managers and deans) to exchange information monthly on ways they are dealing with inappropriate behaviour, so as to assure that similar cases are being treated in a similar manner. 20
- Recommendation 14: The Committee recommends that no changes be made to the *Code* section that deals with dissent, but that the University review and strengthen the material it provides to students outlining policies which address protest, dissent and disruption, including the *Working the System* booklet and information available on University websites..... 21
- Recommendation 15: The Committee recommends that a centrally appointed pool of investigating officers and hearing officers be established and authority be given to the head of the division to make the decision to move either the investigation or the hearing to the central pool. Further, the Committee recommends that procedures under the *Code* be administered in such a way that a final decision within the University can be delivered within one year from the alleged incident of misconduct..... 22
- Recommendation 16: The Committee recommends the establishment of annual orientation and training sessions for all investigating officers and hearing officers currently appointed under the *Code*. 23
- Recommendation 17: The Committee recommends that the annual report from the Vice-President & Provost provide greater detail, including more information about the charges, more information about the disposition of cases including those cases resolved informally or through mediation, and those which go to hearings. A compilation of cases decided under the *Code* must be available from the Judicial Affairs Officer. The decisions and reasons of hearings officers shall have identifying information about student complainants and respondents removed.... 23
- Recommendation 18: The Committee recommends that the “Memorandum on the Maintenance and Use of the Records of Non-Academic Discipline Proceedings” be strengthened in

its requirements that records must be maintained in all incidents investigated, whether or not a Hearing follows. 23

Recommendation 19: The Committee recommends that, for the purposes of confidential and central record keeping, a one-page summary of the outcome of all investigations, whether or not they have proceeded to a Hearing, should be copied to the Judicial Affairs Officer in the Office of the Governing Council. The Judicial Affairs Officer should be responsible for maintaining a database of incidents and sanctions (where applicable). This database should be the source of annual statistical reporting on the use of the *Code* to the Vice-President & Provost..... 24

Recommendation 20: The Committee recommends that the Judicial Affairs Officer, together with representatives of the Office of Student Affairs, the Students' Administrative Council, the Graduate Students' Union and the Association of Part-time Students should investigate ways and means to effectively increase the awareness of student leaders in particular and the student body in general of the substance and purpose of the *Code of Student Conduct*. 25

Recommendation 21: The Committee recommends that the Vice-President & Provost (or designate) be authorized to order that a suspension from registration be recorded on a student's academic record and transcript..... 26

Recommendation 22: The Committee recommends that the following wording be used in cases where suspension has been approved: "Suspended from the University of Toronto for reasons of non-academic misconduct for a period of [length of suspension], [date]." 26

Recommendation 23: The Committee recommends that expulsion from the University be permanently recorded on a student's academic record and transcript..... 26

Recommendation 24: The Committee recommends that the following wording be used in cases where a recommendation for expulsion has been approved by the Governing Council: "Expelled from the University of Toronto for reasons of non-academic misconduct, [date]." 26

Recommendation 25: The Committee recommends the following revised wording to Section A.9: "In this *Code*, 'student' means any person: i) engaged in any academic work which leads to the recording and/or issue of a mark, grade or statement of performance by the appropriate authority in the University or another institution and/or; ii) associated with or registered as a participant in any course or program of study offered by or through a college, faculty, school, centre, institute or other academic unit or division of the University, any person entitled to a valid student card who is between sessions but is entitled because of student status to use University facilities; and/or iii) who is a post-doctoral fellow." 26

Recommendation 26: The Committee recommends that the wording in Section B.I.(e) be revised to include "sex" and "sexual orientation" in the list of grounds on which vexatious conduct can be addressed under this *Code*, and that appropriate wording changes be made to B.(ii) and the "Note" at the end of Section B.I.(e) to allow for jurisdictional flexibility as appropriate..... 27

Recommendation 27: The Committee recommends that the amount in Section D.3 be raised to \$500. ... 27

1. Introduction

1.1 A Brief History of Non-Academic Discipline at the University of Toronto

The *University of Toronto Act* of 1947 established a committee known as Caput, which was composed of the President of the University and senior academic administrators from the constituent and Federated Colleges and from the Faculties. Caput had the jurisdiction to exercise discipline over student behaviour which was non-academic in nature, and which occurred on University premises. In the following two decades, this body met occasionally, and considered charges such as bookstore thefts, examination irregularities and parking violations.

Student activity in the 1960's, including protests, demonstrations and sit-ins, led to the establishment of a Presidential Advisory Committee on Disciplinary Procedures chaired by Professor D. Ralph Campbell. The Campbell Committee proposed the termination of Caput, and the establishment of a centralized University Tribunal and decentralized disciplinary bodies in the colleges and faculties. For the next several years, committees of the University worked unsuccessfully to establish a universal code of non-academic student behaviour that was acceptable to students and the University administration. In 1975, the Governing Council acknowledged that it was not possible at that time to develop a code of student behaviour. It suspended the activity of the committees, and ordered that Caput continue as a disciplinary body for offences not covered by the academic code.

In 1985, Governing Council passed a set of general principles regarding discipline in University residences, and the following year a set of general principles for divisional discipline powers. Under these principles, divisions were encouraged to develop their own codes for disciplinary matters. In 1990, another Special Committee was struck to investigate once again the possibility of developing a centralized code of student behaviour that would address non-academic matters. This committee produced the *Code of Student Conduct* that was approved by the Governing Council on June 25th, 1992.

Subsequent revisions, additions and amendments have taken place since then. The latest version was approved by the Governing Council on December 19th, 1996.

1.2 Rationale

Any policy oriented toward rights and responsibilities of members of the University community must be seen as a living document and substantive review should take

place regularly. The current review was proposed to address the following specific concerns, as well as other more general ones.

Appropriate Handling of Computer Related Offences. When the *Code* was originally approved, the use of personal computers was not widespread relative to what is the reality today. The Internet and the world-wide web have become an integral part of a student's life both at home and within the academic environment. Concerns about appropriate use of technology have changed dramatically as has our perception of how inappropriate use should best be addressed. The Committee was asked to examine this issue and bring forward recommendations on student conduct and computer-related offences, if such were necessary.

Need for Interim Measures. The primary purpose of the *Code* is to safeguard the well-being of all members of the University community, but particularly our students, many of whom live and study on campus and others of whom spend many of their waking hours on or around campus. The current *Code* does not provide for an immediate response to situations that threaten the safety of others within the learning or living environment on campus. Thus, the terms of reference for the Committee proposed that a recommendation be brought forward with respect to an interim measure that could be used in situations where, without such, an investigative process would be compromised or the safety of the complainant or others would be threatened.

Consistent Application. Reports from administrators and students alike suggested that there was the need for a more consistent application of the *Code* inter-divisionally and among the three campuses. Divisional administration, while seen as important to ensure respect for local culture/context and to effectively fulfill the *Code's* primary purpose of educating students, was perceived as vulnerable to inconsistency in decisions and sanctions. Likewise, depending on the complexity of the case, financial resources at the divisional level could limit a division's ability to effectively respond to an issue.

Maintenance of Good Database. It is evident that student leaders are significantly misinformed about the use of the *Code* by the administration. This may be partly due to proceedings defined in the *Code* that are typically designed to respect the privacy of the individuals involved. It is also likely due to the absence of good data that can be accessed readily by students on a regular basis, which would allow them to be better informed and satisfied that the *Code* is a tool, used responsibly only when needed, to maintain a safe environment at their University. The role of central administration in maintaining a reliable database and other aspects of administering the *Code* needs review.

Training. Individuals required to administer the *Code*, centrally and divisionally, noted that situations in which they are called upon to do so are often at wide intervals, are rarely similar in nature, and are often demanding of skills and training of which they have little. The issue of having good procedural guidelines and

adequate training of officers has been a central item of discussion certainly throughout this review of the *Code* and also threaded throughout case reports over the past few years.

These concerns suggested that thoughtful revision based on wide input from the University community might enable the *Code* to better realize its stated objectives. The Vice-Provost, Students proposed to the University Affairs Board on December 8th, 2000, that a Special Committee be established to review the *Code* and to formulate recommendations for changes, if any, that were seen to be necessary. On December 13th, the University Affairs Board debated and approved that proposal and, on January 16th, 2001, approved its terms of reference and its membership.

2. Special Committee

A special committee of the University Affairs Board was established on December 13th, 2000 to undertake a review of, and to consider potential changes to, the *Code*. The Committee was initially expected to report by March 31st, 2001. Subsequently, the University Affairs Board approved an extension to the membership of the Committee through August 2001.

2.1 Terms of Reference

To review and make recommendations with respect to:

- Omissions and ambiguities in the current wording with respect to procedure and offence categories such as computer-related behaviour;
- An interim procedure to be used in urgent or emergency situations, when it is apparent that the health, safety or well-being of the student or others in the university community are at risk;
- The role of central offices in the administration of the *Code*;
- Consistency of application of the *Code* across divisions;
- Guidelines and training for officers under the *Code*; and
- Any other matters as deemed appropriate.

2.2 Membership

At the January 16th, 2001, meeting of the University Affairs Board, the composition of the Special Committee was approved as follows:

- Muhammad Basil Ahmad, student member, Governing Council and University Affairs Board (Co-Chair)
- Heather Lane, administrative staff member, University Affairs Board (Co-Chair)
- Darren Levstek, student member, University Affairs Board
- Karen Lewis, administrative staff member, Governing Council and University Affairs Board
- Ian McDonald, teaching staff member, Governing Council and University Affairs Board
- Szu-Mae Yoon, student member, University Affairs Board

Prof. Ian Orchard, Vice-Provost, Students, and Ms Susan Addario, Director, Student Affairs, acted as assessors to the committee. Administrative support was provided by Mrs. Beverley Stefureak, Office of the Governing Council.

2.3 **Work of The Committee**

As noted above, the Committee's mandate was to complete its report by March 31st, 2001, with the objective to bring its recommendations to the University Affairs Board shortly thereafter. To that end, the Committee established an ambitious schedule of meetings and distributed a wide call for input to its deliberations. Invitations for submissions were directed to the Principals, Deans, Academic Directors and Chairs, to members of the University Affairs Board and the Governing Council, to members of the senior management group, and to the Presidents of the Students' Administrative Council (SAC), the Graduate Students' Union (GSU) and the Association of Part-time Undergraduate Students (APUS). In addition, advertisements were placed in *The Varsity* and *The Bulletin* asking for comments to the review process to be submitted by February 28th, 2001.

The Committee began its review in late January and met regularly over the next four months. At the end of February, it became clear that more time was required for individuals and student organizations to formulate submissions. Accordingly, a second advertisement was placed in *The Varsity*, repeating the invitation for input and extending the deadline to March 12th, 2001.

In discussions at the University Affairs Board in December 2000 and January 2001 when the terms of reference and membership of the Special Committee were approved, student leaders made strong representation that membership of the Special Committee should draw from among the elected leaders of the three major student associations on campus: the Students' Administrative Council (SAC), the Graduate Students' Union (GSU) and the Association of Part-time Undergraduate Students (APUS). The Board accepted the contrary view that the Special Committee should be comprised of only members of the Board from which it was drawn. Further, the Board accepted that qualitative input to the Committee's deliberations could effectively occur by student organizations presenting their views to the Committee, in person and in writing. While renewing its position that the Committee should have included representation from the student governments, nevertheless SAC provided both a written submission and an oral presentation. The Committee was regretful that neither the GSU nor APUS was able to provide input to its work.

Thoughtful input was received from a number of groups and individuals on campus, noted in Appendix 1(a), Written Submissions (page 29).

The Committee identified the need for survey and/or expert information on Interim Suspension Procedures, Diversion Procedures in Cases Involving Mental Health, and Offences and Procedures Related to Misuse of Information Technology. The Committee gratefully acknowledges the assistance of Deanne Fisher, Project Officer, Student Affairs, and Jim Delaney, Assistant Director, Student Affairs, who prepared issues papers to provide to the Committee background information on these topics.

Over the course of March meetings, the Committee met with those noted in Appendix 1(b), Oral Submissions (page 29), and received additional oral input.

In consideration of the relevant issues raised through the written and oral submissions to the Committee, there was agreement that various actions should be taken. Some of these actions are reflected in the recommendations reported herein to amend specific sections of the *Code* and its procedures. Other recommendations call for the review and revision of other policies and guidelines of the University and/or suggest the implementation of measures which would support the policy.

3. Issues Addressed

3.1 Interim Responses to Urgent Situations

The Committee received and heard submissions from several individuals and groups urging the creation of a mechanism for dealing quickly with behaviour that is significantly threatening, dangerous or disruptive. In cases where there is an apparent risk to the health, safety or well-being of students, staff or faculty, or where behaviour is so disruptive that normal University activity is significantly hindered or prevented, these submissions urged an interim procedure which would allow a student to be immediately removed from the University. Where this procedure was invoked, the student must be provided with a very early opportunity to have the reasons for removal reviewed by a senior academic administrator. At such a review, the decision for removal would either be confirmed pending a full hearing, be amended to include conditions under which a student might return to the University premises and activities prior to a hearing, or be reversed.

Recommendation 1: **The Committee recommends that the *Code* be amended to include the following wording: "In some circumstances, such as those involving serious threats or violent behaviour, it may be necessary to remove a student from the University. Where the head of the division has requested an investigation by the Investigating Officer and the investigation is pending, the Vice-President & Provost (or delegate) may, on the advice of the head of the division, suspend a student or students temporarily for up to three working days if, in the opinion of the Vice-President & Provost (or delegate), there is reasonable apprehension that the safety of others is endangered, damage to University property is likely to occur, or the continued presence of the student(s) would be disruptive to the legitimate operations of the University. The student(s) shall be informed immediately in writing of the reasons for the suspension and shall be afforded the opportunity to respond. Any such temporary suspension must be reviewed by the Vice-President & Provost (or delegate) within the three-day temporary suspension period, following a preliminary investigation, and either revoked or continued. If the suspension is continued, the student may appeal to the Senior Chair (or delegate), or the Associate Chair (or delegate) of the University Tribunal, who shall hear and decide on the appeal within five days."**

The Committee also heard several submissions which dealt with the serious personal safety issues associated with some cases, particularly assault, threatening behaviour and sexual assault, where the student respondent was in close contact with others

on campus who were complainants. This is of particular concern in cases involving sexual assault, where both student respondent and complainant live in the same residence or attend the same classes.

For example, the Committee heard of cases where a student was charged with sexually assaulting another student in their residence, where a student was charged with sending threatening e-mail messages to other students in the same class, and where a student physically assaulted other students in the same college.

The Committee was convinced that there needs to be a fair solution to the problem of personal safety for complainants, particularly other students, pending the full resolution of such complaints. The Committee accepts the recommendation for interim conditions to be an option for the head of a division, provided that such conditions balance the needs of the complainant for emotional and physical safety with fairness to the respondent student. In establishing the interim conditions, the head of the division should ensure that they accomplish the goal of achieving safety for the complainant with the least intrusive effect on the respondent. The head of the division must also make clear in writing that the imposition of such interim conditions is in no way to be construed as indicative of guilt.

Recommendation 2: **The Committee recommends that the section on Procedures be amended to include the following direction to the heads of divisions: "In those cases where the allegations of behaviour are serious and, if proven, could constitute a significant personal safety threat to other students or members of the University community, the head of the division is authorized to put in place interim conditions that balance the need of complainants for safety with the requirement of fairness to the respondent student. The interim conditions are in no way to be construed as indicative of guilt, and shall remain in place until the charges are disposed of under the Code's procedures."**

3.2 **Cases Involving Mental Illness**

In its review of cases dealt with under the *Code*, the Committee discussed several cases in which apparent mental illness was associated with the behaviour that was the subject of discipline. The Committee also heard in written and oral submissions about University community concern with the collision of behaviour associated with mental illness and the application of student discipline. The Committee was urged to consider whether there needed to be a unique set of procedures to deal with those cases in which the mental health of the respondent seemed to be an issue. While the behaviour being sanctioned may clearly constitute an offence, the *Code* seemed to some an insensitive instrument to deal with a student whose behaviour could be the result of a mental health disorder or a psychiatric disability. With the continued de-institutionalization of people with mental health issues and the erosion of support for these individuals in their communities, many University staff

expected to continue to see difficult cases in their day-to-day interactions with students.

The Committee was offered many examples of such behaviour, including:

- a student who disrupted classes repeatedly by talking and shouting to no one in particular;
- a student whose apparent delusions led him to believe that he was involved in a relationship with another student, when in fact he was not; and
- a student whose paranoia had convinced her that she was being targeted by the University and who became hostile and aggressive with University staff.

The Committee was urged to consider the establishment of a separate or parallel set of diversion procedures to deal with disruptive students who appear to have a mental illness. A separate procedure could include:

- immediate action to remove the student from the situation;
- a required medical or psychiatric assessment;
- a program of counselling or therapy as a condition of re-enrolment; and
- accommodations as appropriate for the psychiatric disability to facilitate the student's continued study.

The intent of such a procedure would be to avoid subjecting the student to the regular disciplinary process and to give them opportunity to change their behaviour.

Other submissions were critical of this approach, however. Among the flaws identified were the following concerns:

- administrators are not normally qualified to make judgments about mental illness, assessment or therapy;
- administrators often have unrealistic expectations about the efficacy of therapy in changing behaviour;
- requiring therapy is coercive; students may already be in therapy or may have rejected therapy or medication for their own reasons; and
- confidentiality is jeopardized when the University becomes involved in a student's mental assessment and treatment.

Those who were critical of the therapeutic approach or having a separate procedure made a strong argument for focusing on the behaviour rather than the cause. Their argument was that all students—whether they have a disability or not—are expected to meet the same standards of behaviour. In focusing on the behaviour at issue, University staff can avoid inappropriate conjecture about medical or psychiatric conditions, and respect a student's right to privacy and confidentiality.

The Committee also heard from members of the community who felt that it would be appropriate to devise guidelines to assist administrators with responsibility under the *Code* to deal sensitively and fairly with cases that involve mental illness.

The Committee concluded that it is appropriate that the *Code* maintain a single procedure for all students. There is considerable merit in subjecting each allegation of inappropriate, disruptive or dangerous behaviour to the same test in the form of an investigation and hearing. If a student is found to have committed the behaviour alleged, disclosure of a mental health illness can shape the sanction or mediated resolution.

Recommendation 3: **The Committee recommends that the *Code* maintain a single procedure for all students. Where it is suspected that a student's alleged behaviour is linked to mental health illness, this should be taken into account in shaping the sanction or the mediated resolution. The Committee further recommends that considerable effort be made for early intervention and community support in cases where student behaviour is difficult, dangerous or disruptive and appears to be linked to mental health concerns.**

3.3 **Offences Involving the Use of Information Technology**

The Committee considered a number of issues related to offences committed in relation to the use of computers and information technology. In general, the Committee noted that there is evidence that the number of computer-related offences has been increasing dramatically over the past ten years.

There was considerable discussion of what constituted a computer-related offence. After reviewing a number of issues and examples of conduct that might fall under the jurisdiction of the *Code*, the Committee concluded that offences committed through the use of information technology are not distinct from those committed by other means. For example, except for the means used, uttering a threat via e-mail is indistinguishable from uttering a threat in a hand-written note.

Recommendation 4: **The Committee recommends that information technology-related offences be treated the same as other offences under the *Code of Student Conduct*, and that this be noted in the Preface of the *Code*.**

The Committee also examined a general tendency to impose computing resource-related sanctions for offences committed while using computing and networking equipment. In part, this tendency may arise from an assumption that information technology-related offences are somehow distinct from other offences.

It was noted that there has been a considerable increase in the use of the Internet in communications between the University and students. Given this, there must be some consideration of the effect of the imposition of technology-related sanctions on a student's participation in the University. Sanctions for offences committed under the *Code* in relation to the use of information technology need not, and probably should not, be limited to access and use of information technology-related resources.

Recommendation 5: **The Committee recommends that the imposition of information technology-related sanctions must take into consideration whether or not such sanctions will impose an unfair or unreasonable disadvantage on a student's academic participation in the University.**

The Committee observed that there is a disconnect between documents and relevant policies or guidelines on non-academic participation in the University community and those pertaining to the use of information technology. There is a similar separation between staff working in both areas. While the University's guidelines on appropriate use of technology, and more specifically, the guidelines for use of specific systems and resources, speak to limitations on use based upon relevance to academic priorities, others speak to the use of e-mail and Internet access as an opportunity to explore life beyond the classroom. Furthermore, it may be true that the student community's expectations include having available these services and resources for both academic and non-academic purposes. The Committee noted that availability of e-mail accounts and high-speed Internet access in University housing is a key recruiting tool for the University and that e-mail accounts are available prior to the start of a student's academic program.

Finally, student affairs and residence life staff frequently encourage students and student groups to use computing resources and information technology to further their education in the broadest sense of the term. Life outside of the classroom is equally as important as life within the classroom.

Recommendation 6: **The Committee recommends that the Vice-Provost, Planning and Budget, initiate a full review of the University's guiding principles and values concerning the academic *and* non-academic use of information technology. Following this review, the guidelines on *Appropriate Use of Information Technology* should be revised to reflect the principles established. The review should include the participation of student affairs staff, residence life staff, and students.**

The Committee spent a significant amount of time discussing issues related to Internet bandwidth use in University residences. In recent months, the use of

networking assets in residences has been under scrutiny by systems and networking administrators. The Committee heard about limitations placed on resident students in relation to the use of the Internet and the expectation that residence managers will enforce these limitations as non-academic offences. This may be related to an unfounded presumption that excessive use of bandwidth has some connection to inappropriate use or illegal activities.

The Committee believes it is important to acknowledge that a student's residence room is a home in which the University acts as an Internet service provider. The Committee appreciates the issues related to the limitations of the University's networking assets, but believes that it is inappropriate to expect that the use of a high-speed Internet connection in a residence should be limited to academic purposes. It was the consensus within the Committee that the *Code* should not be used to enforce such limitations.

Recommendation 7: **The Committee recommends that enforcement of bandwidth limits in residences be treated as simple contractual agreements between the student residents and the Internet service provider, not as a matter of non-academic discipline.**

Recommendation 8: **The Committee recommends that the University work towards making considerably more bandwidth available for residences and other non-academic purposes.**

Finally, the Committee observed that a number of institutions distribute educational material related to the development of communications skills in relation to interacting with others using information technology and have developed awareness campaigns in relation to appropriate use of information technology. It was noted that the acquisition of such skills is an important developmental issue for young adults and new post-secondary students.

Recommendation 9: **The Committee recommends that the University offer ongoing awareness and educational programs concerning the appropriate use of information technology.**

3.4 **Intersection of this Code with Other Codes of Behaviour**

The *Appropriate Use of Computer Technology* is but one of a number of documents that codify behaviour in a variety of settings in the University environment, each of which at one time or another could intersect with the *Code of Student Conduct*. Some, like the *Policy and Procedures: Sexual Harassment*, are policies written with broad input

from the wide University community. Others, like residence codes, the *Fair Play Code* at the University of Toronto at Mississauga and codes of the Federated Universities and Colleges, are drafted on the basis of what is defined by the users of the facilities as commonly acceptable behaviour.

In commenting on the potential intersection of this *Code* and others, presenters to the Committee raised issues of jurisdiction, overlapping authority, consistency of consequences, double jeopardy, and use of the appropriate system of sanction to maximize the opportunity for remediation of behaviour. Examples were discussed. For instance, when a student user is alleged to have vandalized electronic files of other students, the question arises whether the incident should be investigated and processed under the *Code of Student Conduct* or the *Appropriate Use of Information Technology*. Likewise, should the *Fair Play Code* or the *Code of Student Conduct* be invoked in the instance of a student who goes beyond the boundaries of acceptable behaviour in a sporting event in the athletics facility at the University of Toronto at Mississauga? Moreover, it is not clear who decides which code is used.

Generally speaking, policies and other codes in the University are drafted specifically to deal with substantive issues (residence life, behaviour in libraries, sportspersonship, use of University computing resources) that cannot be easily captured in an overall code. Usually, they are appropriate in addressing the issues for which they were written. However, sometimes the behaviour of focus is more serious than can be dealt with effectively under the facility code or specific policy and sometimes the proposed sanctions are of a nature that the interests of the student would be better served by the greater formality and the increased protections available under the *Code of Student Conduct*.

Factors that are seen to affect the jurisdiction in which a case is handled include the wishes of the complainant, the judgment of the divisional head as to what is appropriate in the circumstances and the likelihood that one or the other jurisdiction might be more effective in meeting the educational purpose of the sanction.

Recommendation 10: **The Committee recommends the addition of Section 13 to the Preface of the *Code of Student Conduct* which confirms its jurisdiction, where appropriate and desirable, over offences which normally might be handled under other policies and codes in the University.**

Consistency of consequence is threatened when similar jurisdictional areas do not have similar codes. For example, codes in residences currently differ from one residence to another. This does not serve the student body or the residence administration well. Residence codes should closely resemble each other in the area of discipline and particularly in what constitutes reason for eviction, thereby creating an environment, which supports commonly-held awareness of expected

behaviour and assurance of fair and equitable treatment when those expectations are not met.

Recommendation 11: **The Committee recommends that a committee, representative of residence staff, including residence network administrators, review residence codes with a view to standardizing, to the degree that this is reasonable, what constitutes an offence, the range of sanctions, process, and the behaviour that can lead to eviction; and, ensuring that residence codes clearly provide for the case to be moved to a hearing under the *Code of Student Conduct* if, due to the severity of the offence, that is desirable.**

The Committee had discussions with a number of individuals who had provided thoughtful comment on the advantages and disadvantages to invoking the *Code of Student Conduct* instead of a localized code or substantively-specific policy. An obvious advantage was a more consistent, objective, and procedurally informed processing of a case. The disadvantages cited were primarily two. There was concern that those working with the complainant and the respondent should be sensitive to, and cognizant of, why the behaviour might be considered unacceptable. For example, homophobic or heterosexist behaviour might not be readily recognized by, nor might its implications be evident to, untrained individuals. A second more subtle concern stemmed from the conviction that, to be effective in serving an educational purpose, the sanction needed to be meaningful within the locale in which the behaviour occurred.

The Committee reasoned, and presenters agreed, that both of these concerns might be addressed if everyone involved in administering the *Code of Student Conduct* were provided with regular and effective orientation and training in these and other issues affecting the administration of the *Code* and its overlap, intersection, or complementary support to other codes and policies within the University.

Recommendation 12: **The Committee recommends that annual orientation and training seminars be conducted for divisional heads, students and others acting as investigating officers and hearing officers, and sitting on divisional tribunals and panels, and that such seminars include, as expert resources, individuals who administer, for example, the *Policy and Procedures: Sexual Harassment*, residence codes and network policies and the *Fair Play Code*.**

The question of double jeopardy arose in a number of discussions. In particular, the Committee was asked how the University could ensure that a student is tried only once under one University policy or code for an incident. The Committee's conclusion was that a student would only be charged twice if it were unknown to an administrator that a parallel process was underway. It was seen as the respondent's

responsibility to draw attention to a double jeopardy situation, in which case the incident would be handled in one or the other jurisdiction.

Conversely, the Committee was directed to consider situations where it might be legitimate to apply two codes against an individual for behaviour that occurred during an incident. An example given was the hypothetical situation where a student in the course of committing an act of academic dishonesty assaulted another member of the academic community. It is conceivable and, in fact, likely that the act of dishonesty would be pursued under the *Code of Behaviour on Academic Matters* concurrent to the second being pursued under the *Code of Student Conduct*. Such a case would be one not of double jeopardy but of multiple jurisdiction, as would be a situation where a student were charged with, for example, sexual assault under the *Code of Student Conduct* and under the *Criminal Code* of Canada. The Committee concluded that no recommendations or changes to the *Code* were necessary.

These discussions did, however, highlight a concern that was deemed worthy of attention. Currently, individuals who administer the various codes and policies do so in somewhat of a vacuum in that there is no regular exchange of information on ways that inappropriate behaviour is dealt with. Such an exchange would assure users of the codes that similar cases are being handled in a similar manner and provide support to the administrator's decision-making. In particular, residence deans and managers might benefit from an awareness of how counterparts in other residences are responding. Computing system administrators, too, would likely be more effective in deterring unacceptable behaviour in computer labs if they were responding similarly across facilities.

Recommendation 13: **The Committee recommends that a method be designed for individuals dealing with the same type of code in similar environments (e.g., residence managers and deans) to exchange information monthly on ways they are dealing with inappropriate behaviour, so as to assure that similar cases are being treated in a similar manner.**

3.5 **Legitimate Dissent and Protest, and Prohibited Disruption**

The Committee received submissions from several individuals raising concern about the handling of protest and dissent in the context of University activities. In particular, students expressed the view that the *Code*, as currently written, prohibits any form of protest, including non-violent protest, which disrupts a University-sanctioned event. There was concern that this use of the *Code* ignored the important role that protest and non-violent disruption play in effecting positive changes to the social environment. Some presenters also argued that disruption of University meetings and activities on political grounds is an action that ought to be protected

by policies that safeguard freedom of speech and academic freedom. Concern was expressed that the *Code* is open to abuse by any University official who disagrees with students' expressed dissenting views.

The Committee heard from members of the community who stressed its responsibility to guarantee the safety and security of its members, including students, staff, faculty, visitors and guests. The University also has an obligation to protect its property and to prevent destruction, defacement and misuse of its resources. Members of the Committee were urged to acknowledge that, while there is a role for legitimate dissent, protest and challenge to the University's decisions, the University administration also bears responsibility for defining the limits of acceptable dissent and for taking action against those forms of disruption that unduly interfere with the University's legitimate functions.

The Committee believes that the use of "political protest" as a method for legitimizing disruptive action, as urged by some presenters, is a one-sided defining process. What is viewed as political action by one group (and therefore legitimate) may not be viewed as legitimate by another. Members of the Committee believe that it is possible to increase the community understanding of disruption and dissent, and to provide more information in the *Working the System* booklet about the limits of acceptable or tolerable dissent and disruption. Guidance for setting limits to behaviour at University meetings is also found in the *Policy on the Disruption of Meetings*.

In the end, however, there is no way to guarantee a student complete predictability and certainty around disruptive behaviour. Students who are involved in protest must accept the risk that at some point they may cross the line of acceptability, and face discipline for their actions. It is in the nature of dissent and disruption that there will come a moment when the protest and disruptive activity is no longer tolerable, and it is not always clear exactly where that point may be.

Recommendation 14: **The Committee recommends that no changes be made to the *Code* section that deals with dissent, but that the University review and strengthen the material it provides to students outlining policies which address protest, dissent and disruption, including the *Working the System* booklet and information available on University websites.**

3.6 **Role of the Central Administration**

The Committee received submissions and suggestions from many members of the community with regard to the need for support from the central administration to those University staff with responsibilities under the *Code*. In particular, there was strong support for a more proactive role in the orientation and training of

investigating officers, and for annual meetings of hearing officers where cases would be reviewed and discussed. This is discussed in the next section.

Several members of the University community with considerable experience under the *Code* urged the Committee to recommend that as an option, in cases where the allegations were serious or complex, the divisions could rely upon a central pool of experienced investigating officers and hearing officers, as an alternative to officers appointed divisionally. Examples were provided of several cases in which the inexperience of the division's investigator or hearing officer delayed the disposition of the charges for an unacceptable length of time. These delays provoked considerable distress, both to the students charged, and to the students who were witnesses and complainants. There were also several examples of complex and serious cases in which the appointed investigator or hearing officer was unable to commit in a short time span the significant amount of time required for the charges to be properly investigated or heard.

The Committee believes that it is in the interests of students as well as the University that cases under the *Code* be decided quickly and fairly. In circumstances where the seriousness of the charges or the complexity of the cases outweighs the division's resources to provide for an investigation and a hearing in an acceptable length of time, the central administration has a responsibility to provide alternative resources.

Recommendation 15: **The Committee recommends that a centrally appointed pool of investigating officers and hearing officers be established and authority be given to the head of the division to make the decision to move either the investigation or the hearing to the central pool. Further, the Committee recommends that procedures under the *Code* be administered in such a way that a final decision within the University can be delivered within one year from the alleged incident of misconduct.**

3.7 **Consistency Across the University**

The Committee heard that, in the absence of good orientation and training of officers appointed under the *Code*, there is a strong perception that similar cases are handled very differently in different parts of the University. Without annual orientation and training, detailed procedural guidelines and annual reports that set out clearly the nature of the charges and the hearings officers' decisions, there exists the possibility of considerable inconsistency in outcomes under the *Code* across the University. The Committee's own review of cases decided under the *Code* supported this perception.

The Committee heard suggestions that the consistency of the *Code's* application and administration would be significantly enhanced through centrally provided orientation and training. There was strong support in the Committee for giving a greater role to the central administration in establishing annual orientation and training sessions for all officers with responsibilities under the *Code*.

The Committee was urged to make recommendations that would improve the annual report from the Vice-President & Provost, adding more detail and offering examples of cases, including excerpts from the decisions and reasons of hearing officers, where appropriate. Some presenters also suggested that a compilation of decisions and reasons from hearing officers would be extremely helpful, not just to those deciding cases under the *Code*, but also for students and their advocates in deciding how best to represent themselves when facing charges under the *Code*.

Recommendation 16: **The Committee recommends the establishment of annual orientation and training sessions for all investigating officers and hearing officers currently appointed under the *Code*.**

Recommendation 17: **The Committee recommends that the annual report from the Vice-President & Provost provide greater detail, including more information about the charges, more information about the disposition of cases including those cases resolved informally or through mediation, and those which go to hearings. A compilation of cases decided under the *Code* must be available from the Judicial Affairs Officer. The decisions and reasons of hearings officers shall have identifying information about student complainants and respondents removed.**

3.8 **Records**

Record keeping in this quasi-judicial process is important to safeguard the rights of the student and to protect the interests of the University. Records of hearings should be, and presumably are, maintained appropriately in the division offices. Records of appeals to the Discipline Appeals Board are maintained appropriately in the Governing Council Secretariat. It is not as clear that there is similarly appropriate storage for records of investigations of incidents where the right to a Hearing has been waived or where the head of a division has decided not to proceed.

Recommendation 18: **The Committee recommends that the "Memorandum on the Maintenance and Use of the Records of Non-Academic Discipline Proceedings" be strengthened in its requirements that records must be maintained in all incidents investigated, whether or not a Hearing follows.**

Universally cited as a weakness in the administration of the *Code* is the absence of a central depository wherein records of all incidents investigated under the *Code* are maintained. Currently, records of Hearings are copied to the Office of Student Affairs. However, the record of an incident that is investigated within the division and does not proceed to a Hearing is not shared in any formal way outside the division. There are several convincing arguments to having the outcome of every incident investigated under the *Code* copied to a central location to be confidentially maintained in a database.

Clearly, if anonymous statistical records were readily available, members of the University community could be assured that the *Code* is used appropriately for the protection and well being of all members of the community. Comments submitted by the Students' Administrative Council indicate that some students hold the incorrect impression that all students investigated are found guilty and sanctioned. This could be derived from the confidential manner in which investigations under the *Code* are carried out. If they were available, statistics on investigations that do not go to a Hearing would illustrate those in which the division dismisses the allegation or decides not to proceed to a Hearing.

Importantly, too, centrally maintained records would provide a source for divisional heads to determine the appropriate sanction to meet the objective of modifying unacceptable behaviour. The opportunity for consistency in the application of the *Code* would be enhanced.

Finally, the central database would support the annual statistical reporting of incidents and sanctions to the Vice-President & Provost.

Recommendation 19: **The Committee recommends that, for the purposes of confidential and central record keeping, a one-page summary of the outcome of all investigations, whether or not they have proceeded to a Hearing, should be copied to the Judicial Affairs Officer in the Office of the Governing Council. The Judicial Affairs Officer should be responsible for maintaining a database of incidents and sanctions (where applicable). This database should be the source of annual statistical reporting on the use of the *Code* to the Vice-President & Provost.**

3.9 **Student Awareness and Representation**

Comments by representatives of the Students' Administrative Council suggest that there is significant misunderstanding among student leaders with respect to the objectives and administration of the *Code*. There is no question that the *Code* has been carefully drafted to protect the rights of students, to ensure a safe and peaceful environment in which they live and learn, and to ensure due and fair process to those of their colleagues who would threaten that safety. That there is doubt about

this in the minds of student leaders suggests that there is need for greater visibility and understanding of the *Code's* operation.

The centralized repository (recommended in 3.8) of summarized information on all incidents investigated under the *Code* will provide student leaders with the broader information necessary to better evaluate the use of the *Code* and understand the safeguards and natural justice woven into the process. In addition, orientation and training of student leaders and increased awareness initiatives directed toward the student body should assist them in appreciating the purposes of the *Code*.

Recommendation 20: **The Committee recommends that the Judicial Affairs Officer, together with representatives of the Office of Student Affairs, the Students' Administrative Council, the Graduate Students' Union and the Association of Part-time Students should investigate ways and means to effectively increase the awareness of student leaders in particular and the student body in general of the substance and purpose of the *Code of Student Conduct*.**

The Committee heard concerns with respect to an accused student's right to legal representation throughout an investigation, Hearing and appeal. Student financial support is provided to Downtown Legal Services (DLS) through fees paid by students to the Students' Administrative Council and the Graduate Students' Union. There was comment suggesting that the time available to students charged under the *Code* is disproportionately less than other legal and quasi-legal issues for which the DLS is available. No role was seen for the Committee in this question. Distribution of DLS resources is a matter for discussion between DLS and the student groups

3.10 **Recording Sanctions on Transcripts**

The Committee noted that while Section D of the *Code* delineates suspension from registration and recommendation for expulsion as potential sanctions in a finding that a *serious* offence has been committed, there is no direction with respect to how such academic sanctions should be noted on transcripts. Additionally, the Committee noted that in previous cases when recommendations for expulsions were approved by the Governing Council, the notes added to the respective transcripts were different.

Section C.i.(b) of the *Code of Behaviour on Academic Matters*, Divisional Sanctions, provides that "the dean shall have the power to record any sanction imposed on the student's academic record and transcript for such length of time as he or she considers appropriate." Section C.ii.(b) of the same *Code*, Tribunal Sanctions, provides that "the hearing panel shall have the power to order that any sanction imposed by the Tribunal be recorded on the student's academic record and transcript for such length of time as the panel considers appropriate."

- Recommendation 21: **The Committee recommends that the Vice-President & Provost (or designate) be authorized to order that a suspension from registration be recorded on a student's academic record and transcript.**
- Recommendation 22: **The Committee recommends that the following wording be used in cases where suspension has been approved: "Suspended from the University of Toronto for reasons of non-academic misconduct for a period of [length of suspension], [date]."**
- Recommendation 23: **The Committee recommends that expulsion from the University be permanently recorded on a student's academic record and transcript.**
- Recommendation 24: **The Committee recommends that the following wording be used in cases where a recommendation for expulsion has been approved by the Governing Council: "Expelled from the University of Toronto for reasons of non-academic misconduct, [date]."**

3.11 **General**

The Committee believes that the definition of a student should be consistent with that provided in the *Policy and Procedures: Sexual Harassment*.

- Recommendation 25: **The Committee recommends the following revised wording to Section A.9:**

"In this Code, 'student' means any person:

- i) engaged in any academic work which leads to the recording and/or issue of a mark, grade or statement of performance by the appropriate authority in the University or another institution and/or;**
- ii) associated with or registered as a participant in any course or program of study offered by or through a college, faculty, school, centre, institute or other academic unit or division of the University, any person entitled to a valid student card who is between sessions but is entitled because of student status to use University facilities; and/or**
- iii) who is a post-doctoral fellow."**

Several contributors to this review noted that in the list of grounds for vexatious conduct in Section B.I.(e), sexual and sexual orientation were omitted. Strong representation was made for and against inclusion by students and others who

addressed the Committee. Currently, harassing behaviour which is based on the sex or sexual orientation of university members is addressed by the *Policy and Procedures: Sexual Harassment*. The University established this policy years ago to ensure that allegations of harassment based on sex and sexual orientation would be dealt with fairly and consistently, and to signal the importance that the University attaches to a teaching and learning environment free of this type of harassing behaviour.

It was also argued that some cases of harassment based on sex or sexual orientation are not easily handled by the *Policy and Procedures: Sexual Harassment* because of procedural difficulties or because some cases involve more than harassing behaviour. Examples were offered of cases involving sexual assault, and of harassment which also involved destruction or defacement of property.

The current practice is for the Sexual Harassment Officer to receive all complaints which might be dealt with under the *Policy*, and to refer those she determines better handled under other policies or codes to the appropriate office. Because the *Code of Student Conduct* does not include "sex" and "sexual orientation" as prohibited grounds for harassment, it is difficult to refer cases which might be better handled under the *Code*.

The Committee believes this situation can be resolved by adding "sex" and "sexual orientation" to the prohibited grounds of harassment under the *Code*, but to make clear that all cases involving harassment must still be referred to the Sexual Harassment Office. If, in the view of the Sexual Harassment Officer, the case would be better handled under the *Code of Student Conduct*, the Officer should make the appropriate referral.

Recommendation 26: **The Committee recommends that the wording in Section B.I.(e) be revised to include "sex" and "sexual orientation" in the list of grounds on which vexatious conduct can be addressed under this Code, and that appropriate wording changes be made to B.(ii) and the "Note" at the end of Section B.I.(e) to allow for jurisdictional flexibility as appropriate.**

The Committee heard submissions from several divisional administrators that pointed to a fine or bond of \$100 (Section D.3) as outdated. Comments were consistent in recommending that this amount should be increased to a realistic level that would provide an appropriate deterrent.

Recommendation 27: **The Committee recommends that the amount in Section D.3 be raised to \$500.**

4. Conclusion

The Committee concluded its deliberative process in early June and came to an easy agreement on the substance of and recommendations in the Report shortly thereafter. One member of the Committee was unable to sign off on the final draft of the Report, having left Canada in early summer. However, throughout this process the direction of the recommendations was clear and the spirit of the unanimity of the Committee is respected on every point of substance.

The University community was consistent in its message that review of the *Code* was necessary at this time and that revision was desirable. The Committee has endeavoured to represent honestly the wishes of the vast majority of those who took the time and made the effort to give thoughtful input to the work of the Committee. It thanks all those who did so, and particularly the students who amidst very busy schedules responded. The review of the *Code* was, after all, primarily to improve the quality and security of student life at the University and student participation was greatly appreciated.

The Committee respectfully requests that the University Affairs Board recommend to the Governing Council that this Report of the Special Committee to Review the *Code of Student Conduct*, and the recommendations therein, be approved and that the revised *Code of Student Conduct*, attached as Appendix 2 hereto, be approved for implementation beginning July 1, 2002.

Special Committee to Review the *Code of Student Conduct*:

Mr. Muhammad Basil Ahmad (Co-Chair)

Dr. Heather Lane (Co-Chair)

Ms. Karen Lewis

Mr. Darren Levstek

Professor Ian McDonald

Ms. Szu-Mae Yoon

Professor Ian Orchard, Assessor
Ms. Susan Addario, Assessor
Mrs. Beverley Stefureak, Secretary

Appendices

1. Submissions

(a) Written Submissions

- J. Alderdice, School of Graduate Studies
- Kelvin Andrews, Race Relations and Anti-Racism Initiatives Officer
- Damon Chevrier, Registrar, Woodsworth College
- David Clandfield, Principal New College
- Jacob Glick, full-time undergraduate student, Faculty of Law
- Bruce Kidd, Dean, Faculty of Physical Education and Health
- David C.S. Kuhn, Department of Chemical Engineering and Applied Chemistry
- Anne Lewis, Manager, Student Accounts
- Glenn Loney, Registrar, University College
- Len Paris, Manager, Police Services, UTM
- Mary Ann Pilskalnietis, Special Assistant to the Dean, Faculty of Physical Education and Health
- Sexual Assault Support Group
- Paddy Stamp, Sexual Harassment Officer and Acting Convenor, Equity Issues Advisory Group
- Students' Administrative Council
- Jude Tate, Coordinator of Programs & Resources for Lesbian, Gay, Bisexual, Transgendered and Queer Students

(b) Oral Submissions

- Kelvin Andrews, Race Relations and Anti-Racism Initiatives Officer
- Damon Chevrier, Registrar, Woodsworth College
- David Clandfield, Principal, New College
- Jim Delaney, Assistant Director, Student Affairs
- Agata Durkalec, Students' Administrative Council
- Jacob Glick, full-time undergraduate student, Faculty of Law
- Angela Hildyard, Principal, Woodsworth College and Principal of Principals
- Myra Lefkowitz, Community Safety Officer
- Susan McDonald, Registrar, Victoria University
- Mark Overton, Acting Dean of Students, University of Toronto at Mississauga
- Rick Powers, Dean of Students, University of Toronto at Scarborough
- Justin Saunders, University Affairs Commissioner, Students' Administrative Council
- Eugene Siciunias, Director, Computing & Networking Services
- Paddy Stamp, Sexual Harassment Officer and Acting Convenor, Equity Issues Advisory Group
- Jude Tate, Coordinator of Programs & Resources for Lesbian, Gay, Bisexual, Transgendered and Queer Students

2. Proposed New Code

Code of Student Conduct University of Toronto

Current	Proposed
<p>A. Preface</p> <ol style="list-style-type: none"> 1. The University of Toronto is a large community of teaching staff, administrative staff and students, involved in teaching, research, learning and other activities. Student members of the University are adherents to a division of the University for the period of their registration in the academic program to which they have been admitted and as such assume the responsibilities that such registration entails. 2. As an academic community, the University governs the activities of its members by standards such as those contained in the <i>Code of Behaviour on Academic Matters</i>, which provides definitions of offences that may be committed by student members and which are deemed to affect the academic integrity of the University's activities. 3. The University sponsors, encourages or tolerates many non-academic activities of its members, both on its campuses and away from them. These activities, although generally separate from the defined requirements of students' academic programs, are a valuable and important part of the life of the University and of its students. 4. The University does not stand in loco parentis to its student members, that is, it has no general responsibility for the moral and social behaviour of its students, as if they were its wards. In the exercise of its disciplinary authority and responsibility, the University treats students as free to organize their own personal lives, behaviour and associations subject only to the law and to University regulations that are necessary to protect the integrity and safety of University activities, the peaceful and safe enjoyment of University housing by residents and neighbours, or the freedom of members of the University to participate reasonably in the programs of the University and in activities in or on the University's premises. Strict regulation of such activities by the University of Toronto is otherwise neither necessary nor appropriate. 	<p>A. Preface</p> <ol style="list-style-type: none"> 1. The University of Toronto is a large community of teaching staff, administrative staff and students, involved in teaching, research, learning and other activities. Student members of the University are adherents to a division of the University for the period of their registration in the academic program to which they have been admitted and as such assume the responsibilities that such registration entails. 2. As an academic community, the University governs the activities of its members by standards such as those contained in the <i>Code of Behaviour on Academic Matters</i>, which provides definitions of offences that may be committed by student members and which are deemed to affect the academic integrity of the University's activities. 3. The University sponsors, encourages or tolerates many non-academic activities of its members, both on its campuses and away from them. These activities, although generally separate from the defined requirements of students' academic programs, are a valuable and important part of the life of the University and of its students. 4. The University takes the position that students have an obligation to make legal and responsible decisions concerning their conduct as, or as if they were, adults. The University has no general responsibility for the moral and social behaviour of its students. In the exercise of its disciplinary authority and responsibility, the University treats students as free to organize their own personal lives, behaviour and associations subject only to the law and to University regulations that are necessary to protect the integrity and safety of University activities, the peaceful and safe enjoyment of University housing by residents and neighbours, or the freedom of members of the University to participate reasonably in the programs of the University and in activities in or on the University's premises. Strict regulation of such activities by the University of Toronto is otherwise neither necessary nor appropriate. <p>Under some circumstances, such as when a student has not yet reached the legal age of majority, additional limitations on student conduct may apply.</p>

Current

5. University members are not, as such, immune from the criminal and civil laws of the wider political units to which they belong. Provisions for non-academic discipline should not attempt to shelter students from their civic responsibilities nor add unnecessarily to these responsibilities. 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 court. In cases, however, in which criminal or civil proceedings have not been taken or would not adequately protect the University's interests and responsibilities as defined below, proceedings may be brought under a discipline code of the University, but only in cases where such internal proceedings are appropriate in the circumstances.
6. The University must define standards of student behaviour and make provisions for student discipline with respect to conduct that jeopardizes the good order and proper functioning of the academic and non-academic programs and activities of the University or its divisions, that endangers the health, safety, rights or property of its members or visitors, or that adversely affects the property of the University or bodies related to it, where such conduct is not, for the University's defined purposes, adequately regulated by civil and criminal law.
7. Nothing in this *Code* shall be construed to prohibit peaceful assemblies and demonstrations, lawful picketing, or to inhibit freedom of speech as defined in the University.
8. In this *Code*, the word "premises" includes lands, buildings and grounds.
9. In this *Code*, "student" means a member of the University
 - (i) engaged in any academic work which leads to the recording and/or issue of a mark, grade or statement of performance by the appropriate authority in the University or another institution; and/or
 - (ii) registered in any academic course which entitles the member to the use of a University library, library materials, library resources, computer facility or dataset; and/or
 - (iii) who is a post doctoral fellow.

Proposed

5. University members are not, as such, immune from the criminal and civil laws of the wider political units to which they belong. Provisions for non-academic discipline should not attempt to shelter students from their civic responsibilities nor add unnecessarily to these responsibilities. 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 court. In cases, however, in which criminal or civil proceedings have not been taken or would not adequately protect the University's interests and responsibilities as defined below, proceedings may be brought under a discipline code of the University, but only in cases where such internal proceedings are appropriate in the circumstances.
6. The University must define standards of student behaviour and make provisions for student discipline with respect to conduct that jeopardizes the good order and proper functioning of the academic and non-academic programs and activities of the University or its divisions, that endangers the health, safety, rights or property of its members or visitors, or that adversely affects the property of the University or bodies related to it, where such conduct is not, for the University's defined purposes, adequately regulated by civil and criminal law.
7. Nothing in this *Code* shall be construed to prohibit peaceful assemblies and demonstrations, lawful picketing, or to inhibit freedom of speech as defined in the University.
8. In this *Code*, the word "premises" includes lands, buildings and grounds.
9. In this *Code*, "student" means **any person**,
 - (i) engaged in any academic work which leads to the recording and/or issue of a mark, grade or statement of performance by the appropriate authority in the University or another institution; and/or
 - (ii) **associated with or registered as a participant in any course or program of study offered by or through a college, faculty, school, centre, institute or other academic unit or division of the University; and/or**
 - (iii) **entitled to a valid student card who is between sessions but is entitled because of student status to use University facilities; and/or**
 - (iv) who is a post-doctoral fellow.

- Current**
-
10. In the following, the words "University of Toronto" refer to the University of Toronto and include any institutions federated or affiliated with it, where such inclusion has been agreed upon by the University and the federated or affiliated institution, with respect to the premises, facilities, equipment, services, activities, students and other members of the federated or affiliated institution.
- Note: The University of Toronto has agreed that, when the premises, facilities, equipment, services or activities of the University of Toronto are referred to in this *Code*, the premises, facilities, equipment, services and activities of the University of St. Michael's College, Trinity College and Victoria University are included.
11. In this *Code*, where an offence is described as depending on "knowing", the offence shall likewise be deemed to have been committed if the person ought reasonably to have known.
12. This *Code* is concerned with conduct that the University considers unacceptable. In the case of student members of the University, the procedures and sanctions described herein shall apply, unless the matter has been or is to be dealt with under other provisions for the discipline of students. In the case of other members of the University, such conduct is to be dealt with in accordance with the established policy, procedures and agreements that apply to the members.

B. Offences

The following offences constitute conduct that shall be deemed to be offences under this *Code*, when committed by a student of the University of Toronto, provided that such conduct

- (i) has not been dealt with as failure to meet standards of professional conduct as required by a college, faculty or school; and

- Proposed**
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10. In this *Code*, the words "University of Toronto" refer to the University of Toronto and include any institutions federated or affiliated with it, where such inclusion has been agreed upon by the University and the federated or affiliated institution, with respect to the premises, facilities, equipment, services, activities, students and other members of the federated or affiliated institution.
- Note: The University of Toronto has agreed that, when the premises, facilities, equipment, services or activities of the University of Toronto are referred to in this *Code*, the premises, facilities, equipment, services and activities of the University of St. Michael's College, Trinity College and Victoria University are included.
11. In this *Code*, where an offence is described as depending on "knowing", the offence shall likewise be deemed to have been committed if the person ought reasonably to have known.
12. This *Code* is concerned with conduct that the University considers unacceptable. In the case of student members of the University, the procedures and sanctions described herein shall apply, unless the matter has been or is to be dealt with under other provisions for the discipline of students. In the case of the other members of the University, such conduct is to be dealt with in accordance with the established policy, procedures and agreements that apply to the members.
13. Subject to the conditions and considerations outlined in Section B., this *Code* is concerned with conduct arising in relation to a wide variety of activities and behaviours including, but not limited to, conduct related to the use of computers and other information technology and the use or misuse of alcohol. In principle, alleged offences that arise in relation to such conduct are not distinct from those that arise out of other activities that occur in the University community. Such activities may also be considered the commission of one or more offences and, in appropriate circumstances, may be dealt with under other University policies or regulations specific to the behaviour.

B. Offences

The following offences constitute conduct that shall be deemed to be offences under this *Code*, when committed by a student of the University of Toronto, provided that such conduct

- (i) has not been dealt with as failure to meet standards of professional conduct as required by a college, faculty or school; and

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- (ii) is not specifically assigned to the jurisdiction of the University Tribunal, as in the case of offences described in the *Code of Behaviour on Academic Matters*, or to another disciplinary body within the University of Toronto, as in the case of sexual harassment as described in the Policy and Procedures: Sexual Harassment; and
- (iii) except as otherwise provided herein, occurs on premises of the University of Toronto or elsewhere in the course of activities sponsored by the University of Toronto or by any of its divisions, and
- (iv) has not been dealt with under provisions for the discipline of students with respect to University offices and services whose procedures apply to students in several academic divisions, such as University residences, libraries or athletic and recreational facilities.

1. Offences Against Persons

- (a) No person shall assault another person sexually or threaten any other person with sexual assault.
- (b) No person shall otherwise assault another person, threaten any other person with bodily harm, or knowingly cause any other person to fear bodily harm.
- (c) No person shall knowingly create a condition that unnecessarily endangers the health or safety of other persons.
- (d) No person shall threaten any other person with damage to such person's property, or knowingly cause any other person to fear damage to her or his property.
- (e) No person shall engage in a course of vexatious conduct that is directed at one or more specific individuals, and

that is based on the race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, marital status, family status, handicap, receipt of public assistance or record of offences of that individual or those individuals, and

that is known to be unwelcome, and

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- (ii) is not specifically assigned to the jurisdiction of the University Tribunal, as in the case of offences described in the *Code of Behaviour on Academic Matters*, or to another disciplinary body within the University of Toronto, as in the case of sexual harassment as described in the Policy and Procedures: Sexual Harassment; or to a **divisional disciplinary body, such as a residence council or a recreational athletics disciplinary body; or is covered under these policies but which is deemed by the head of the division to be more appropriately handled by the Code of Student Conduct;** and
- (iii) except as otherwise provided herein, occurs on premises of the University of Toronto or elsewhere in the course of activities sponsored by the University of Toronto or by any of its divisions; and
- (iv) has not been dealt with under provisions for the discipline of students with respect to University offices and services whose procedures apply to students in several academic divisions, such as University residences, libraries or athletic and recreational facilities.

1. Offences Against Persons

- (a) No person shall assault another person sexually or threaten any other person with sexual assault.
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- (c) No person shall knowingly create a condition that unnecessarily endangers the health or safety of other persons.
- (d) No person shall threaten any other person with damage to such person's property, or knowingly cause any other person to fear damage to her or his property.
- (e) No person shall engage in a course of vexatious conduct that is directed at one or more specific individuals, and

that is based on the race, ancestry, place of origin, colour, ethnic origin, citizenship, **sex, sexual orientation**, creed, age, marital status, family status, handicap, receipt of public assistance or record of offences of that individual or those individuals, and

that is known to be unwelcome, and

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that exceeds the bounds of freedom of expression or academic freedom as these are understood in University policies and accepted practices, including but not restricted to, those explicitly adopted.

Note: Terms in this section are to be understood as they are defined or used in the *Ontario Human Rights Code*. Vexatious conduct that is based on sex or sexual orientation is considered an offence under the University's *Policy and Procedures: Sexual Harassment*.

- (f) (i) No person shall, by engaging in the conduct described in subsection (ii) below,
- whether on the premises of the University or away from the premises of the University,
- cause another person or persons to fear for their safety or the safety of another person known to them while on the premises of the University of Toronto or in the course of activities sponsored by the University of Toronto or by any of its divisions, or cause another person or persons to be impeded in exercising the freedom to participate reasonably in the programs of the University and in activities in or on the University's premises,
- knowing that their conduct will cause such fear, or recklessly as to whether their conduct causes such fear.
- (ii) The conduct mentioned in subsection (i) consists of
- (a) repeatedly following from place to place the other person or anyone known to them;
- (b) repeatedly and persistently communicating with, either directly or indirectly, the other person or anyone known to them;
- (c) besetting or repeatedly watching the dwelling-house, or place where the other person, or anyone known to them, resides, works, carries on business or happens to be; or
- (d) engaging in threatening conduct directed at the other person or any member of the family, friends or colleagues of the other person.

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that exceeds the bounds of freedom of expression or academic freedom as these are understood in University policies and accepted practices, including but not restricted to, those explicitly adopted.

Note: Terms in this section are to be understood as they are defined or used in the *Ontario Human Rights Code*. Vexatious conduct that is based on sex or sexual orientation is considered an offence under the University's *Policy and Procedures: Sexual Harassment*. **If the Sexual Harassment Officer believes, after consultation with relevant parties, that a complaint based on sex or sexual orientation would be better handled under the *Code of Student Conduct*, the Officer may refer the matter to the appropriate head of division.**

- (f) (i) No person shall, by engaging in the conduct described in subsection (ii) below,
- whether on the premises of the University or away from the premises of the University,
- cause another person or persons to fear for their safety or the safety of another person known to them while on the premises of the University of Toronto or in the course of activities sponsored by the University of Toronto or by any of its divisions, or cause another person or persons to be impeded in exercising the freedom to participate reasonably in the programs of the University and in activities in or on the University's premises,
- knowing that their conduct will cause such fear, or recklessly as to whether their conduct causes such fear.
- (ii) The conduct mentioned in subsection (i) consists of
- (a) repeatedly following from place to place the other person or anyone known to them;
- (b) repeatedly and persistently communicating with, either directly or indirectly, the other person or anyone known to them;
- (c) besetting or repeatedly watching the dwelling-house, or place where the other person, or anyone known to them, resides, works, carries on business or happens to be; or
- (d) engaging in threatening conduct directed at the other person or any member of the family, friends or colleagues of the other person.

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<p>2. Disruption</p> <p>No person shall cause by action, threat or otherwise, a disturbance that the member knows obstructs any activity organized by the University of Toronto or by any of its divisions, or the right of another member or members to carry on their legitimate activities, to speak or to associate with others.</p> <p><i>For example, peaceful picketing or other activity outside a class or meeting that does not substantially interfere with the communication inside, or impede access to the meeting, is an acceptable expression of dissent. And silent or symbolic protest is not to be considered disruption under this Code. But noise that obstructs the conduct of a meeting or forcible blocking of access to an activity constitutes disruption.</i></p> <p>3. Offences Involving Property</p> <p>(a) No person shall knowingly take, destroy or damage premises of the University of Toronto.</p> <p>(b) No person shall knowingly take, destroy or damage any physical property that is not her or his own.</p> <p>(c) No person shall knowingly destroy or damage information or intellectual property belonging to the University of Toronto or to any of its members.</p> <p>(d) No person, in any manner whatsoever, shall knowingly deface the inside or outside of any building of the University of Toronto.</p> <p>(e) No person, knowing the effects or property to have been appropriated without authorization, shall possess effects or property of the University of Toronto.</p> <p>(f) No person, knowing the effects or property to have been appropriated without authorization, shall possess any property that is not her or his own.</p> <p>(g) No person shall knowingly create a condition that unnecessarily endangers or threatens destruction of the property of the University of Toronto or of any of its members.</p> <p>4. Unauthorized Entry or Presence</p> <p>No person shall, contrary to the expressed instruction of a person or persons authorized to give such instruction, or with intent to damage or destroy the premises of the University of Toronto or damage, destroy or steal any property on the premises of the University of Toronto that is not her or his own, or without just cause knowingly enter or remain in or on any such premises.</p>	<p>2. Disruption</p> <p>No person shall cause by action, threat or otherwise, a disturbance that the member knows obstructs any activity organized by the University of Toronto or by any of its divisions, or the right of another member or members to carry on their legitimate activities, to speak or to associate with others.</p> <p><i>For example, peaceful picketing or other activity outside a class or meeting that does not substantially interfere with the communication inside, or impede access to the meeting, is an acceptable expression of dissent. And silent or symbolic protest is not to be considered disruption under this Code. But noise that obstructs the conduct of a meeting or forcible blocking of access to an activity constitutes disruption.</i></p> <p>3. Offences Involving Property</p> <p>(a) No person shall knowingly take, destroy or damage premises of the University of Toronto.</p> <p>(b) No person shall knowingly take, destroy or damage any physical property that is not her or his own.</p> <p>(c) No person shall knowingly destroy or damage information or intellectual property belonging to the University of Toronto or to any of its members.</p> <p>(d) No person, in any manner whatsoever, shall knowingly deface the inside or outside of any building of the University of Toronto.</p> <p>(e) No person, knowing the effects or property to have been appropriated without authorization, shall possess effects or property of the University of Toronto.</p> <p>(f) No person, knowing the effects or property to have been appropriated without authorization, shall possess any property that is not her or his own.</p> <p>(g) No person shall knowingly create a condition that unnecessarily endangers or threatens destruction of the property of the University of Toronto or of any of its members.</p> <p>4. Unauthorized Entry or Presence</p> <p>No person shall, contrary to the expressed instruction of a person or persons authorized to give such instruction, or with intent to damage or destroy the premises of the University of Toronto or damage, destroy or steal any property on the premises of the University of Toronto that is not her or his own, or without just cause knowingly enter or remain in or on any such premises.</p>

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<p>5. Unauthorized Use of University Facilities, Equipment or Services</p> <p>(a) No person shall knowingly use any facility, equipment or service of the University of Toronto contrary to the expressed instruction of a person or persons authorized to give such instruction, or without just cause.</p> <p>(b) No person shall knowingly gain access to or use any University computing or internal or external communications facility to which legitimate authorization has not been granted. No person shall use any such facility for any commercial, disruptive or unauthorized purpose.</p> <p>(c) No person shall knowingly mutilate, misplace, misfile, or render inoperable any stored information such as books, film, data files or programs from a library, computer or other information storage, processing or retrieval system.</p>	<p>5. Unauthorized Use of University Facilities, Equipment or Services</p> <p>(a) No person shall knowingly use any facility, equipment or service of the University of Toronto contrary to the expressed instruction of a person or persons authorized to give such instruction, or without just cause.</p> <p>(b) No person shall knowingly gain access to or use any University computing or internal or external communications facility to which legitimate authorization has not been granted. No person shall use any such facility for any commercial, disruptive or unauthorized purpose.</p> <p>(c) No person shall knowingly mutilate, misplace, misfile, or render inoperable any stored information such as books, film, data files or programs from a library, computer or other information storage, processing or retrieval system.</p>
<p>6. False charges</p> <p>No person shall knowingly or maliciously bring a false charge against any member of the University of Toronto under this <i>Code</i>.</p>	<p>6. False charges</p> <p>No person shall knowingly or maliciously bring a false charge against any member of the University of Toronto under this <i>Code</i>.</p>
<p>7. Aiding in the Commission of an Offence</p> <p>No person shall counsel, procure, conspire with or aid a person in the commission of an offence defined in this <i>Code</i>.</p>	<p>7. Aiding in the Commission of an Offence</p> <p>No person shall counsel, procure, conspire with or aid a person in the commission of an offence defined in this <i>Code</i>.</p>
<p>8. Refusal to Comply with Sanctions</p> <p>No person found to have committed an offence under this <i>Code</i> shall refuse to comply with a sanction or sanctions imposed under the procedures of this <i>Code</i>.</p>	<p>8. Refusal to Comply with Sanctions</p> <p>No person found to have committed an offence under this <i>Code</i> shall refuse to comply with a sanction or sanctions imposed under the procedures of this <i>Code</i>.</p>
<p>9. Unauthorized Possession or Use of Firearms or Ammunition</p> <p>No person other than a peace officer or a member of the Canadian Forces acting in the course of duty shall possess or use any firearm or ammunition on the premises of the University of Toronto without the permission of the officer of the University having authority to grant such permission.</p>	<p>9. Unauthorized Possession or Use of Firearms or Ammunition</p> <p>No person other than a peace officer or a member of the Canadian Forces acting in the course of duty shall possess or use any firearm or ammunition on the premises of the University of Toronto without the permission of the officer of the University having authority to grant such permission.</p>

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Note: The President of the University or another senior officer designated by the President has been given the authority to grant such permission for the premises of the University of Toronto under the authority of the Governing Council of the University. The President has designated the Vice-President - Administration and Human Resources to exercise this authority. Various officers of institutions federated with the University of Toronto have authority to grant such permission with respect to the premises of the federated institutions.

C. Hearing Procedures

1. Whenever possible and appropriate, informal resolution and mediation shall be used to resolve issues of individual behaviour before resort is made to formal disciplinary procedures.

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Note: The President of the University or another senior officer designated by the President has been given the authority to grant such permission for the premises of the University of Toronto under the authority of the Governing Council of the University. The President has designated the Vice-President, Business Affairs, who is the Chief Administrative Officer of the University to exercise this authority. Various officers of institutions federated with the University of Toronto have authority to grant such permission with respect to the premises of the federated institutions.

C. Procedures

General

1. The University shall establish a centrally appointed pool of trained Investigating and Hearing Officers, who shall be available to the divisions, at the discretion of the head of the division, if that is considered appropriate or preferable for any reason.
2. Each division shall appoint an Investigating Officer and a Hearing Officer, who may be student, staff or faculty members from that division.
3. Whether the incident is investigated locally or centrally, every effort shall be made to conclude the case through to delivery of a final decision within the University within one year from the alleged incident of misconduct.
4. Pursuant to the provisions of Section D., interim conditions may be imposed by the head of the division.
5. For the purposes of confidential and central record keeping, a one-page summary of the outcome of all investigations, whether or not they have proceeded to a Hearing, shall be copied to the Judicial Affairs Officer in the Office of the Governing Council.
6. Whenever possible and appropriate, informal resolution and mediation shall be used to resolve issues of individual behaviour before resort is made to formal disciplinary procedures.

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<p>2. An Investigating Officer, who may be a student, shall be appointed for a term of up to three years by the principal, dean or director (hereinafter called "head") of each faculty, college or school in which students are registered (hereinafter called "division"), after consultation with the elected student leader or leaders of the division, to investigate complaints made against student members of that division. Investigating Officers shall hold office until their successors are appointed.</p> <p>3. A Hearing Officer, who may be a student, shall be appointed for a term of up to three years by the council of each division to decide on complaints under this <i>Code</i> made against student members of that division. Hearing Officers shall hold office until their successors are appointed.</p> <p>4. If the Investigating Officer is, for any reason, unable to conduct an investigation, then the head of the division shall appoint another person as Investigating Officer for the particular case. If the Hearing Officer is, for any reason, unable to chair the hearing of any case, then the senior chair of the University Tribunal shall appoint another person as Hearing Officer for the particular case. If the head of the division intends to request either suspension from registration or expulsion from the University as a sanction in a particular case, or if the case appears to the head of the division to require a Hearing Officer with legal qualifications, then the Senior Chair of the University Tribunal may, on the application of the head of the division, appoint a legally qualified person as Hearing Officer for the particular case.</p> <p>5. Where the head of the division has reason to believe that a non-academic offence as defined in this <i>Code</i> may have been committed by a student member or members of the division, the Investigating Officer will conduct an investigation into the case. After having completed the investigation, the Investigating Officer shall report on the investigation to the head of the division. If the head of the division concludes, on the basis of this report, that the student or students may have committed an offence under the <i>Code of Student Conduct</i>, the head of the division shall have the discretion to request that a hearing take place to determine whether the student or students have committed the offence alleged.</p>	<p>Specific</p> <p>1. An Investigating Officer shall be appointed for a term of up to three years by the principal, dean or director (hereinafter called "head") of each faculty, college or school in which students are registered (hereinafter called "division"), after consultation with the elected student leader or leaders of the division, to investigate complaints made against student members of that division. Investigating Officers shall hold office until their successors are appointed.</p> <p>2. A Hearing Officer shall be appointed for a term of up to three years by the council of each division to decide on complaints under this <i>Code</i> made against student members of that division. Hearing Officers shall hold office until their successors are appointed.</p> <p>3. If the Investigating Officer is unable to conduct an investigation, or the Hearing Officer is unable to conduct a hearing, or where the head of the division believes on reasonable grounds that the appointed officer is inappropriate to conduct the particular investigation or chair a particular hearing, then the head of the division shall seek an appointment from the central pool for that particular case. If the head of the division intends to request either suspension from registration or expulsion from the University as a sanction in a particular case, or if the case appears to the head of the division to require a Hearing Officer with legal qualifications, then the Senior Chair of the University Tribunal may, on the application of the head of the division, appoint a legally qualified person as Hearing Officer for the particular case.</p> <p>4. Where the head of the division has reason to believe that a non-academic offence as defined in this <i>Code</i> may have been committed by a student member or members of the division, the Investigating Officer will conduct an investigation into the case. After having completed the investigation, the Investigating Officer shall report on the investigation to the head of the division. If the head of the division concludes, on the basis of this report, that the student or students may have committed an offence under the <i>Code of Student Conduct</i>, the head of the division shall have the discretion to request that a hearing take place to determine whether the student or students have committed the offence alleged.</p>

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<p>6. The hearing will be chaired by the Hearing Officer. The case will be presented by the Investigating Officer, who may be assisted and represented by legal counsel. If the right to a hearing is waived, or after a hearing, the Hearing Officer will rule on whether the student or students have committed the offence alleged and may impose one or more sanctions as listed below. The accused student or students may be assisted and represented by another person, who may be legal counsel.</p>	<p>5. The hearing will be chaired by the Hearing Officer. The case will be presented by the Investigating Officer, who may be assisted and represented by legal counsel. If the right to a hearing is waived, or after a hearing, the Hearing Officer will rule on whether the student or students have committed the offence alleged and may impose one or more sanctions as listed below. The accused student or students may be assisted and represented by another person, who may be legal counsel.</p>
<p>7. Appeals against decisions of bodies acting under authority from the council of a division to hear cases arising out of residence codes of behaviour may be made to the Hearing Officer of the division, where provision therefor has been made by the council of the division.</p>	<p>6. Appeals against decisions of bodies acting under authority from the council of a division to hear cases arising out of residence codes of behaviour may be made to the Hearing Officer of the division, where provision therefor has been made by the council of the division.</p>
<p>8. Appeals against the decision of the Hearing Officer may be made to the Discipline Appeals Board of the Governing Council.</p>	<p>7. Appeals against the decision of the Hearing Officer may be made to the Discipline Appeals Board of the Governing Council.</p>
<p>9. Where the head of a division has reason to believe that a non-academic offence may have been committed by a group of students including students from that division and from another division or divisions, the head may consult with the head of the other division or divisions involved and may then agree that some or all of the cases will be investigated jointly by the Investigating Officers of the divisions of the students involved and that some or all of the cases will be heard together by the Hearing Officer of one of the divisions agreed upon by the heads and presented by one of the Investigating Officers agreed upon by the heads.</p>	<p>8. Where the head of a division has reason to believe that a non-academic offence may have been committed by a group of students including students from that division and from another division or divisions, the head may consult with the head of the other division or divisions involved and may then agree that some or all of the cases will be investigated jointly by the Investigating Officers of the divisions of the students involved and that some or all of the cases will be heard together by the Hearing Officer of one of the divisions agreed upon by the heads and presented by one of the Investigating Officers agreed upon by the heads.</p>

D. Interim Conditions and Measures

Interim Conditions: Ongoing Personal Safety

1. In those cases where the allegations of behaviour are serious and, if proven, could constitute a significant personal safety threat to other students or members of the University community, the head of the division is authorized to impose interim conditions that balance the need of complainants for safety with the requirement of fairness to the respondent student. The interim conditions are in no way to be construed as indicative of guilt, and shall remain in place until the charges are disposed of under the *Code's* procedures.

Interim Measures: Urgent Situations

2. In some circumstances, such as those involving serious threats or violent behaviour, it may be necessary to remove a student from the University. Where the head of the division has requested an investigation by the Investigating Officer and the investigation is pending, the Vice-President & Provost (or delegate) may, on the

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	<p>advice of the head of the division, suspend a student or students temporarily for up to three working days if, in the opinion of the Vice-President & Provost (or delegate), there is reasonable apprehension that the safety of others is endangered, damage to University property is likely to occur, or the continued presence of the student(s) would be disruptive to the legitimate operations of the University. The student(s) shall be informed immediately in writing of the reasons for the suspension and shall be afforded the opportunity to respond. Any such temporary suspension must be reviewed by the Vice-President & Provost (or delegate) within the three-day temporary suspension period, following a preliminary investigation, and either revoked or continued. If the suspension is continued, the student(s) may appeal to the Senior Chair (or delegate), or the Associate Chair (or delegate) of the University Tribunal, who shall hear and decide on the appeal within five days.</p>
<p>D. Sanctions</p> <p>The following sanctions or combinations of them may be imposed upon students found to have committed an offence under this <i>Code</i>.</p> <p>In addition, students found to have committed an offence may be placed on conduct probation for a period not to exceed one year, with the provision that one or more of the following sanctions will be applied if the conduct probation is violated.</p> <ol style="list-style-type: none"> 1. Formal written reprimand. 2. Order for restitution, rectification or the payment of damages. 3. A fine or bond for good behaviour not to exceed \$100. 4. Requirement of public service work not to exceed 25 hours. 5. Denial of access to specified services, activities or facilities of the University for a period of up to one year. 	<p>F. Sanctions</p> <p>The following sanctions or combinations of them may be imposed upon students found to have committed an offence under this <i>Code</i>.</p> <p>In addition, students found to have committed an offence may be placed on conduct probation for a period not to exceed one year, with the provision that one or more of the following sanctions will be applied if the conduct probation is violated.</p> <ol style="list-style-type: none"> 1. Formal written reprimand. 2. Order for restitution, rectification or the payment of damages. 3. A fine or bond for good behaviour not to exceed \$500. 4. Requirement of public service work not to exceed 25 hours. 5. Denial of access to specified services, activities or facilities of the University for a period of up to one year.

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The following two sanctions, which would directly affect a student's registration in a program, may be imposed only where it has been determined that the offence committed is of such a serious nature that the student's continued registration threatens the academic function of the University of Toronto or of any of its divisions or the ability of other students to continue their programs of study.

6. Suspension from registration in any course or program of a division or divisions for a period of up to one year.
7. Recommendation for expulsion from the University.

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The following two sanctions, which would directly affect a student's registration in a program, may be imposed only where it has been determined that the offence committed is of such a serious nature that the student's continued registration threatens the academic function of the University of Toronto or of any of its divisions or the ability of other students to continue their programs of study. Where the sanction of suspension and/or expulsion has been imposed on a student, the Vice-President & Provost (or delegate) shall have the power to record that sanction on the student's academic record and transcript for such length of time as he or she considers appropriate.

A sanction of suspension shall be recorded on the student's academic record and transcript for a period of five years. The following wording shall be used: "Suspended from the University of Toronto for reasons of non-academic misconduct for a period of [length of suspension], [date]."

A sanction of expulsion shall be permanently recorded on a student's academic record and transcript. The following wording shall be used: "Expelled from the University of Toronto for reasons of non-academic misconduct, [date]."

6. Suspension from registration in any course or program of a division or any divisions for a period of up to one year.
7. Recommendation for expulsion from the University.

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<p>Memorandum on the Maintenance and Use of the Records of Non-Academic Discipline Proceedings</p> <p>1. When Records are Kept</p> <p>Records shall be kept for all cases that have proceeded to a hearing and for cases where students have waived the right to a hearing.</p> <p>2. Composition of Record</p> <p>The Record of Proceedings on Non-Academic Discipline cases shall comprise:</p> <ul style="list-style-type: none"> (a) the written report of the Investigating Officer, if any; (b) the Notice of Hearing (including the offence charged); (c) documentary evidence filed at a Hearing; (d) the decision of the Hearing Officer and the reasons therefor. <p>3. Publishing of Record</p> <p>Decisions of the Hearing Officer, including the name of the respondent, the offence and the sanction, shall be reported to the Vice-President and Provost, who shall convey the information, anonymously and in statistical form, annually to the University Affairs Board. A Hearing Officer or the Discipline Appeals Board may recommend to the Vice-President & Provost that the nature of the offence and the sanction be published in the University newspapers. Where circumstances warrant, they may also order the publication of the name of the person found to have committed the offence. The Vice-President & Provost shall</p>	<p>Memorandum on the Maintenance and Use of the Records of Non-Academic Discipline Proceedings</p> <p>1. Keeping of Records</p> <p>Records must be kept in all cases that have been the subject of an investigation and have resulted in the imposition of a sanction, whether or not the student has waived the right to a hearing. Likewise, a Record of the Proceedings of Non-Academic Discipline Hearings must be kept in all cases that have proceeded to a Hearing.</p> <p>2. Composition of Record</p> <p>The Record of Proceedings on Non-Academic Discipline cases shall comprise:</p> <ul style="list-style-type: none"> (a) the written report of the Investigating Officers, if any; (b) the Notice of Hearing (including the offence charged); (c) documentary evidence filed at a Hearing; (d) the decision of the Hearing Officer and the reasons therefor. <p>3. Storage of Records</p> <p>The Records of the Proceedings of Non-academic Discipline Hearings shall be stored in the office of the head of the division.</p> <p>4. Records of the Investigating Officer</p> <p>Where the investigation has not proceeded to a Hearing, the records and notes of the Investigating Officer shall be kept and may have a bearing on the decision to prosecute in a future case. Where a sanction has been imposed, a copy of the letter of sanction to the student shall be filed, in confidence, with the Judicial Affairs Officer, Office of the Governing Council.</p> <p>5. Publishing of Records</p> <p>Decisions of the Hearing Officer, including the name of the respondent, the offence and the sanction, shall be reported to the Vice-President & Provost, who shall convey the information, anonymously and in statistical form, annually to the University Affairs Board. A Hearing Officer or the Discipline Appeals Board may recommend to the Vice-President & Provost that the nature of the offence and the sanction be published in the University newspapers. Where circumstances warrant, they may also order the publication of the name of the person found to have committed the offence. The Vice-President & Provost shall</p>

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have the discretion to withhold publication of the name of the person.	have the discretion to withhold publication of the name of the person.
4. Use of Records Records of previous convictions may be taken into account in imposing a sanction.	6. Use of Records Records of previous convictions may be taken into account in imposing a sanction.
5. Storage of Records The Records of the Proceedings of Non-academic Discipline Hearings shall be stored in the office of the head of the division.	[see 3 above]
6. Records of the Investigating Officer Where the investigation has not proceeded to a Hearing, the records and notes of the Investigating Officer may be kept and may have a bearing on the decision to prosecute in a future case. Notwithstanding the University's policies on access to information, the head of the division shall have the discretion to refrain from giving any person access to any Report or portion of a Report of an Investigating Officer that has not been presented at a formal hearing.	[see 4 above]
7. Tape Recordings of Hearings The Hearing Officer shall ensure that a tape recording is made of all sessions of a hearing. Such tape recordings shall be kept by the head of the division for at least 90 days after notice has been given of the decision of the hearing.	7. Tape Recordings of Hearings The Hearing Officer shall ensure that a tape recording is made of all sessions of a Hearing. Such tape recordings shall be kept by the head of the division for at least 90 days after notice has been given of the decision of the hearing.

Current

Memorandum of Procedures for Hearings Arising from the Code of Student Conduct

1. Complaints about the alleged commission of any offence under the *Code of Student Conduct* may be made in writing by any person ("the complainant") to the principal, dean or director ("the head") of the college, faculty or school ("the division") in which the student or students who are alleged to have committed the offence ("the accused") are or were registered.
2. The head of the division shall consider the written complaint and shall determine if the conduct complained of appears to fall under the *Code of Student Conduct*. If it does not appear to fall under the *Code of Student Conduct*, the head may take whatever other action he or she deems appropriate to the circumstances, including communication to the complainant of the conclusion he or she has drawn. Where a student's conduct comes to light after a student has left the University, the head of the division may decide to proceed, if the seriousness of the allegation warrants such action.
3. If the head of the division considers that the conduct complained of appears to fall under the *Code of Student Conduct*, he may request the Investigating Officer to conduct a discreet investigation of the case and to make a report to him or her.
4. If, on the basis of the report of the Investigating Officer, the head of the division concludes that the accused may have committed an offence under the *Code of Student Conduct*, he or she shall have the discretion to request that a hearing take place to determine whether the accused has committed the offence alleged.
5. To initiate a hearing, the head of the division shall give written notice to the accused indicating the nature of the complaint, the offence alleged and setting a date, time and place for a hearing to provide an opportunity for the accused to respond to the allegations made. The notice shall indicate that if the accused does not appear at the hearing, the hearing may proceed in the absence of the accused.
6. The hearing will be chaired by the Hearing Officer, who shall not have been involved in the investigation leading up to the decision to request a hearing, and who shall make a decision on the basis of evidence presented at the hearing.

Proposed

Memorandum of Procedures for Hearings Arising from the Code of Student Conduct

1. Complaints about the alleged commission of any offence under the *Code of Student Conduct* may be made in writing by any person ("the complainant") to the principal, dean or director ("the head") of the college, faculty or school ("the division") in which the student or students who are alleged to have committed the offence ("the accused") are or were registered.
2. The head of the division shall consider the written complaint and shall determine if the conduct complained of appears to fall under the *Code of Student Conduct*. If it does not appear to fall under the *Code of Student Conduct*, the head may take whatever other action he or she deems appropriate to the circumstances, including communication to the complainant of the conclusion he or she has drawn. Where a student's conduct comes to light after a student has left the University, the head of the division may decide to proceed, if the seriousness of the allegation warrants such action.
3. If the head of the division considers that the conduct complained of appears to fall under the *Code of Student Conduct*, he may request the Investigating Officer to conduct a discreet investigation of the case and to make a report to him or her.
4. If, on the basis of the report of the Investigating Officer, the head of the division concludes that the accused may have committed an offence under the *Code of Student Conduct*, he or she shall have the discretion to request that a hearing take place to determine whether the accused has committed the offence alleged.
5. To initiate a hearing, the head of the division shall give written notice to the accused indicating the nature of the complaint, the offence alleged and setting a date, time and place for a hearing to provide an opportunity for the accused to respond to the allegations made. The notice shall indicate that if the accused does not appear at the hearing, the hearing may proceed in the absence of the accused.
6. The hearing will be chaired by the Hearing Officer, who shall not have been involved in the investigation leading up to the decision to request a hearing, and who shall make a decision on the basis of evidence presented at the hearing.

Current	Proposed
<p>7. Hearings shall be conducted in an informal manner, in accordance with the principles of natural justice, and the Hearing Officer shall not be bound to observe strict legal procedures. Procedural defects will not invalidate the proceedings unless there has been a substantial wrong or denial of natural justice.</p>	<p>7. Hearings shall be conducted in an informal manner, in accordance with the principles of natural justice, and the Hearing Officer shall not be bound to observe strict legal procedures. Procedural defects will not invalidate the proceedings unless there has been a substantial wrong or denial of natural justice.</p>
<p>8. The parties to the hearing are the head of the division, represented by the Investigating Officer, who may be assisted and represented by legal counsel, and the accused, who may be assisted and represented by another person, who may be a lawyer. Both parties shall be allowed to call, examine and cross-examine witnesses and present evidence and argument.</p>	<p>8. The parties to the hearing are the head of the division, represented by the Investigating Officer, who may be assisted and represented by legal counsel, and the accused, who may be assisted and represented by another person, who may be a lawyer. Both parties shall be allowed to call, examine and cross-examine witnesses and present evidence and argument.</p>
<p>9. Hearings shall be open to members of the University unless the Hearing Officer decides there is sufficient cause to provide otherwise.</p>	<p>9. Hearings shall be open to members of the University unless the Hearing Officer decides there is sufficient cause to provide otherwise.</p>
<p>10. The Hearing Officer is not bound to conduct the hearing according to strict rules of evidence. Evidence may be received in written or oral form.</p>	<p>10. The Hearing Officer is not bound to conduct the hearing according to strict rules of evidence. Evidence may be received in written or oral form.</p>
<p>11. The Hearing Officer may take note of matters generally within the knowledge of members of the University community.</p>	<p>11. The Hearing Officer may take note of matters generally within the knowledge of members of the University community.</p>
<p>12. The accused may waive the right to a hearing under these procedures, in which case the Hearing Officer will rule on whether the accused has committed the offence alleged and impose one or more of the sanctions listed in the <i>Code of Student Conduct</i>.</p>	<p>12. The accused may waive the right to a hearing under these procedures, in which case the Hearing Officer will rule on whether the accused has committed the offence alleged and impose one or more of the sanctions listed in the <i>Code of Student Conduct</i>.</p>
<p>13. After a hearing, the Hearing Officer shall rule on the complaint and, where the Hearing Officer finds that the accused has committed an offence, shall impose one or more of the sanctions listed in the <i>Code of Student Conduct</i> and give reasons for the decision.</p>	<p>13. After a hearing, the Hearing Officer shall rule on the complaint and, where the Hearing Officer finds that the accused has committed an offence, shall impose one or more of the sanctions listed in the <i>Code of Student Conduct</i> and give reasons for the decision. A copy of the letter to the student imposing the sanction shall be copied, in confidence, to the Judicial Affairs Officer, Office of the Governing Council .</p>
<p>14. The onus of proof is on the head of the division, who must show on clear and convincing evidence that the accused has committed the offence alleged.</p>	<p>14. The onus of proof is on the head of the division, who must show on clear and convincing evidence that the accused has committed the offence alleged.</p>
<p>15. Any penalty or remedy shall be stayed pending the outcome of any appeal to the Discipline Appeals Board.</p>	<p>15. Any penalty or remedy shall be stayed pending the outcome of any appeal to the Discipline Appeals Board.</p>

Current	Proposed
<p>Notes</p> <p><i>Code of Student Conduct, Memorandum on the Maintenance and Use of the Records of Non-Academic Discipline Proceedings, and Memorandum of Procedures for Hearings arising from the Code of Student Conduct approved by the Governing Council, June 25, 1992</i></p> <p><i>Code, B.9 (addition) approved by University Affairs Board, January 27, 1994. [Offences related to firearms]</i></p> <p><i>Code, B.1(e) and B.1(f) (additions) and B(iii), C.1 and C.2 (amendments), Procedures, 13 and 14 (additions) approved by Governing Council, December 16, 1994. [Offences related to harassment]</i></p> <p><i>Code, A.9, B(iii), B.8, B.9(note), C.2, 3, 6, and D (amendments), Procedures, 8 and 12 (amendments), Records, 6 (addition) approved by University Affairs Board, January 3, 1995.</i></p> <p><i>Code, B.1(e)(note) (addition), B.5(b)(note) (deletion), Records, 7 (addition) approved by University Affairs Board, November 7, 1995.</i></p> <p><i>Code, Preface, 12, (amendment), B(iv) (addition), C.4 (amendment) approved by the Governing Council, December 19, 1996.</i></p>	<p>Notes</p> <p><i>Code of Student Conduct, Memorandum on the Maintenance and Use of the Records of Non-Academic Discipline Proceedings, and Memorandum of Procedures for Hearings arising from the Code of Student Conduct approved by the Governing Council, June 25, 1992</i></p> <p><i>Code, B.9 (addition) approved by University Affairs Board, January 27, 1994. [Offences related to firearms]</i></p> <p><i>Code, B.1(e) and B.1(f) (additions) and B(iii), C.1 and C.2 (amendments), Procedures, 13 and 14 (additions) approved by Governing Council, December 16, 1994. [Offences related to harassment]</i></p> <p><i>Code, A.9, B(iii), B.8, B.9(note), C.2, 3, 6, and D (amendments), Procedures, 8 and 12 (amendments), Records, 6 (addition) approved by University Affairs Board, January 3, 1995.</i></p> <p><i>Code, B.1(e)(note) (addition), B.5(b)(note) (deletion), Records, 7 (addition) approved by University Affairs Board, November 7, 1995.</i></p> <p><i>Code, Preface, 12, (amendment), B(iv) (addition), C.4 (amendment) approved by the Governing Council, December 19, 1996.</i></p>