



CÉGEP DE LA GASPÉSIE ET DES ÎLES

BY-LAW 9

BY-LAW ESTABLISHING CERTAIN CONDITIONS OF STUDENT LIFE AT THE
CÉGEP DE LA GASPÉSIE ET DES ÎLES

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Note: To make this text easier to read, the masculine gender is used, without discrimination, to designate both men and women.

BY-LAW ESTABLISHING CERTAIN CONDITIONS OF STUDENT LIFE AT THE CÉGEP DE LA GASPÉSIE ET DES ÎLES

This by-law is largely inspired by the *Règlement relatif aux conditions de vie au Cégep Marie-Victorin*

PREAMBLE

In its educational project, the Cégep de la Gaspésie et des Îles affirms its desire to contribute to the training of autonomous and responsible students by developing in them competencies and a sense of commitment to their studies and living environments. Contributing to the training of autonomous and responsible students means encouraging them to gradually take responsibility for themselves and become the artisans of their own education. The *By-law establishing certain conditions of student life at the Cégep de la Gaspésie et des Îles* is in line with this spirit and in accordance with the other policies and by-laws in force.

More broadly speaking, it aims to ensure respect of the rights and freedoms of all and to define and set out the obligations and responsibilities of the individuals who attend the institution.

Moreover, this same framework must also serve to foster the common good – for instance, the health and safety of all students, and to promote the best possible life conditions so as to enable everyone to carry out their duties appropriately.

Finally, this regulation aims to set out the rights and obligations of all in terms of penalties and expulsion, as well as the recourse mechanisms to which individuals are entitled.

CLAUSE 1 DEFINITIONS

In this by-law, these expressions have been defined as follows:

- a) **Student:** Designates and includes every student duly admitted to a credited or non-credited training activity for the purposes of this by-law.
- b) **Person** - Designates and includes every employee of the Cégep de la Gaspésie et des Îles as well as the staff of corporations occupying premises at the Cégep de la Gaspésie et des Îles. It also designates every individual who studies at, attends or visits the Cégep or participates in an activity.
- c) **College** - Designates the Collège d'enseignement général et professionnel de la Gaspésie et des Îles. This term also designates the physical premises belonging to the College or leased by it (movable and immovable assets) as well as all the campuses and residences.
- d) **Centre** - Designates each of the campuses of the Cégep de la Gaspésie et des Îles
- e) **College authority** – The director general and the other College directors as well as any other person designated by them for this regulation.
- f) **User** - Designates and includes every person who receives services provided by the College.

CLAUSE 2 PRINCIPLE

All persons frequenting the College must first obey the laws that govern our society and abide by the policies and regulations that govern the College. They must behave in a manner that respects individuals, the belongings of others, collective property, the environment and that are not contrary to the values and principles accepted in our society.

CLAUSE 3 STATEMENT OF CERTAIN RIGHTS

- 3.1. In compliance with the *Charter of Human Rights and Freedoms* (R.S.Q., c. C-12), every person has the right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on:
- race,
 - colour,
 - sex,
 - age,
 - sexual orientation,
 - civil status,
 - religion,
 - language,
 - political convictions,
 - ethnic origin,
 - national origin,
 - social condition,
 - handicap, or
 - use of a means to alleviate a handicap.
- 3.2. Every person has the right to freedom of association to protect and defend his rights.
- 3.3. Every person has the right to demonstrate to defend his interests and promote his opinions.
- 3.4. Every person has the right to information about his academic conditions and life at the Cégep.
- 3.5. Every person has the right to political dissent, without suffering prejudice, in all his academic and extracurricular activities.
- 3.6. Every person has the right to have any information about him remain confidential, in compliance with by-laws in force at the College.
- 3.7. Every person is responsible for respecting the rights of others.

Note: At College campuses on the Magdalen Islands and in Carleton, Grande-Rivière and Gaspé, the campus directors hold jurisdiction to apply this by-law to deal with issues of a pedagogical nature and those pertaining to student life. In the case of continuing education this responsibility falls under the jurisdiction of the continuing education director.

CLAUSE 4 SCOPE OF APPLICATION

This by-law applies to all premises where the College has a property right or a right of use of any kind as well as to any place where a College activity takes place.

This by-law applies to all persons who work at the College, stay there or visit it in any way. It also applies to all persons who study there or participate in an activity there.

CLAUSE 5 GENERAL PROVISIONS

The College intends to apply the rule of “zero tolerance” when dealing with any persons who commit acts of violence or who adopt behaviours that endanger the physical or psychological integrity of anyone who attends the institution.

Without prejudice to any other recourse the College may take, this by-law makes liable to penalties (see Clause 7) any persons who commit sexual or psychological harassment, commit criminal acts, or adopt or encourage behaviour that is considered reprehensible.

It is important to point out that this by-law shall apply with due regard for the individual or collective rights already recognised by legislation in force in Québec and in Canada, notably in the *Canadian Charter of Rights and Freedoms* and in the *Québec Charter of Human Rights and Freedoms*.

Every person who helps or incites another person to commit an offence against this by-law is liable to the same penalties or disciplinary measures.

5.1. By acts of sexual harassment, psychological harassment or violence, we broadly mean the fact that a person:

5.1.1. Adopts attitudes or behaviours that contravene the *Policy regarding prevention and intervention with respect to harassment and violence in the workplace*; or

5.1.2. Adopts attitudes and behaviours that contravene related Canadian or Québec laws.

5.2. By criminal acts, we mean any act that could be penalised pursuant to the Criminal Code of Canada, notably the fact that a person:

5.2.1. Uses, possesses or sells any illicit substance or drug;

5.2.2. Act in such a way as to endanger the health and safety of persons;

5.2.3. Commits acts of violence or vandalism;

5.2.4. Uses threats, intimidation, physical constraint or attempts at bribery in the pursuit of his objectives;

5.2.5. Harms the reputation of others by making defamatory comments or by spreading hate literature;

5.2.6. Commits an act of indecency or an offence against morals and decency; or

- 5.2.7. Adopts attitudes and behaviours that contravene related Canadian or Québec laws.
- 5.3. By reprehensible behaviour, we notably mean the fact that a person:
 - 5.3.1. Refuses to abide by the policies and by-laws in force at the College;
 - 5.3.2. Obstructs or disturbs the conduct of a course, internship, learning activity or any other activity taking place at the College;
 - 5.3.3. Breaks an environmental law or regulation;
 - 5.3.4. Participates in an unauthorised event; or
 - 5.3.5. Commits any act or adopts any behaviour prohibited by the laws of Québec.

CLAUSE 6 SPECIAL PROVISIONS

This by-law sets out the living conditions that apply and must be respected at the College. For classification purposes, we have grouped the various elements into three broad categories.

6.1. Elements pertaining to College administration

6.1.1. Campus business hours

The hours at which each campus opens and closes shall be sent to students and staff.

Beyond these times, the campus shall be closed unless an activity has been authorised in advance by the campus director or his agent. In such cases, the costs shall be paid by the user.

Notwithstanding the preceding, the director general can at any time modify opening or closing hours, or order the closure of the College at any time during vacations, holidays or any other particular situation. The Campus director can at any time modify opening or closing hours, or order the closure of the Campus at any time during vacations, holidays or any other particular situation.

6.1.2. Identification

To ensure application of and compliance with this by-law, College authorities and security agents can, a necessary, require persons present on the premises to identify themselves and ask them to justify their presence at the College. Anyone who cannot identify himself or refuses to do so or who has no valid reason for being at the College can be expelled from the premises.

6.1.3. College access

Conditions governing access to the premises are generally established by the administration department manager or his agent.

The people who work at the College, study there or participate in an activity duly authorised by management or any other persons who have a valid reason for being there during normal College business hours have unrestricted access to the College. Thus, any person who cannot justify his presence at the College can be expelled from the premises at any time by College authorities.

It is important to point out that no-one may bring an animal (onto College premises) without having obtained authorisation in advance or unless its presence is necessary to assist a person who has a sensory, visual or physical impairment.

In addition, to ensure the safety of people and the protection of property, it is prohibited to use any means of movement that might be inappropriate or dangerous (i.e.: skateboard, in-line skates, etc.).

6.1.4. Respect for the environment

Every person who works at the College, studies there or visits it as well as every person participating in an activity of any nature taking place there must abide by the *Environment and sustainable development policy* in force at the College.

6.1.5. Parking and outdoor traffic

Every person who wishes to park a vehicle on Cégep grounds must use the spaces designated for this purpose in College parking lots and abide by *By-law 8* dealing with vehicular parking and traffic on College premises and pay the relevant fees. Failure to comply with these provisions may result in the vehicle in question being towed and the owner being charged for towing.

In addition, every person travelling on College premises must comply with the Highway Safety Code, the speed limit and posted signage.

6.1.6. Use of College assets, name and logo

Without express written authorisation granted by the College for this purpose, no-one may use the institution's assets for personal reasons. In addition, in accordance with Section 31 of the *General and Vocational Colleges Act*, CQLR c C-29, it is prohibited for anyone to use the name of the College. However, any person who wishes to use the College logo, its official stationery, its acronym or its trademarks must first obtain formal authorisation from the person in charge of communications.

6.1.7. Personal property

The College is not responsible for the loss or theft of any person's personal property or for any damage caused thereto.

6.1.8. Loss of, damage to and theft of College property

Every person is responsible for any Cégep property he uses or has in his control, and shall be required to indemnify the Cégep for any damage to, loss or theft of said property due to his negligence, and must inform the authorities in charge thereof without delay. If it is found that the person has been negligent, he will have to pay for the repair or replacement of said property.

Similarly, every person must respect the property belonging to the College or to any of its corporations and must notify the relevant persons in the event of damage or defects.

In addition, any person who proves to be responsible for the damage to, loss or theft of property shall be liable to penalties.

6.1.9. Loans of material

Any staff member or any student may rent or borrow material in accordance with the rules and directives in force at the College and agrees to return the material thereafter within the established time limit.

Persons who fail to abide by these provisions must pay the fines or fees established by College authorities before any other material may be loaned or rented to them.

Any student or staff member who fails to return documents to the library or equipment to the audiovisual department shall be fined.

The College could undertake the necessary proceedings against any person who fails to abide by these rules and obligations to recover the debt due.

In addition, it is important to point out that all persons are responsible for the key lent to them and upon their departure must return said keys to their department manager or immediate superior. As for students, keys lent to them must be returned to the person in charge of student affairs or to any other authorised person within the established time period.

6.1.10. Room bookings

Any staff member and any union or association that wishes to book a room for a planned event pertaining to their duties must send their request to the persons or departments duly authorised to book rooms (see the *Room booking policy*).

Staff members or groups of persons who use a College room must use it appropriately; if they fail to do so, they will have to assume responsibility and the consequences should problems arise.

6.1.11. Use of computer systems

Every user of computer services belonging to the College must abide by the rules governing the use of these services and goods. Any person who voluntarily or through negligence introduces malware or who uses the College computer systems for personal reasons likely to infringe on the rights and freedoms of persons or the laws of Canada or Québec shall be liable to punishment.

6.1.12. Dissemination of written material

Any distribution of tracts, folders or newspapers, either by individuals, groups, unions or associations, must take place in accordance with policies and by-laws in force at the College. Any failure to abide by this rule shall be liable to penalties or prosecution.

6.1.13. Sales, business and solicitation

Any activity involving promotion, solicitation or sales is prohibited at the College unless it has been authorised in advance by the institution's authorities in accordance with the relevant established administrative policies and directives.

6.1.14. Health, safety and first aid

Every person who works, studies or stays at the College must abide by the rules and directives established by College authorities.

6.1.15. Explosive products and hazardous materials

Without written authorisation from the director general or any person designated for this purpose, every person is prohibited from having in his possession, using or transporting on College premises any product or substance that might endanger persons or constitute a hazard for the institution's property.

However, College authorities will have to issue directives setting out how to use said products and substances in the teaching laboratories, in compliance with the laws and regulations in force.

6.1.16. Peacefulness of the premises

Broadcasting music, speeches or any other sound effect on the campus using amplifiers or any other means is permitted only in rooms designated for this purpose or on College lots when special activities have been authorised in advance by the College.

6.1.17. Social, sport and cultural activities

Any social, cultural or sport activity must be approved in advance by College authorities and must be prepared and take place in accordance with the conditions established by the College.

6.2. Elements concerning persons

6.2.1. Acts of a criminal nature

In accordance with the general provisions already stipulated in Clause 5.2 of this by-law, every person who commits and act of a criminal nature is liable to serious penalties. Examples of such acts notably include:

6.2.1.1. Bearing weapons

It is strictly prohibited to store or have in one's possession a weapon or weapons of any nature whatsoever, whether real or imitation, except in cases where the persons hold a permit to carry a weapon and they are on duty.

This same exception applies to persons who are required, by the authorities in place, to participate in a training activity that would require them to have in their possession and handle such real or imitation weapons with the authorisation from the department involved.

6.2.1.2. Use, possession and sale of drugs

Notwithstanding the penalties provided in the criminal code, any possession, consumption, distribution or sale of drugs (narcotics, drugs, hallucinogens, various psychotropic substances, etc.) as well as any act fostering the manufacture, consumption or sale of these drugs are prohibited. Every person who contravenes this rule or who is present at the College under the influence of a prohibited drug is liable to penalties up to and including suspension.

6.2.1.3. Harassment and acts of gross indecency

The College will not tolerate in any way any form of sexual harassment or any act of gross indecency. It will ensure that any students or staff members who believe they are victims of such acts can submit a complaint in accordance with the *Policy regarding prevention and intervention with respect to harassment and violence in the workplace*.

Every person who believes he is a victim of harassment other than sexual harassment or of violence can also submit a complaint in accordance with the *Policy regarding prevention and intervention with respect to harassment and violence in the workplace*.

6.2.1.4. Use of false documents

Every person found guilty of identity fraud or forgery is liable to penalties up to and including expulsion from the College.

6.2.2. Acts of a behavioural nature

In accordance with the general provisions already stipulated in this by-law, every person who adopts or encourages behaviour prohibited by law or by a College by-law is liable to penalties. Examples of such acts notably include:

6.2.2.1. Alcoholic beverages

Any service, consumption or sale of alcoholic beverages must comply with the provisions of existing acts and regulations and cannot take place without first obtaining a permit from the Régie des courses et des jeux du Québec.

In addition, it is important to point out that it is prohibited to consume alcohol abusively on College premises or to be at the College while intoxicated; anyone doing so may be expelled immediately. As for the College residences, refer to the residence by-law, commonly known as the *Building rules*.

It is understood that no minor persons may drink alcoholic beverages at the College.

6.2.2.2. Use of tobacco

In compliance with *Tobacco Act* (R.S.Q. chapter T-0.01), smoking is prohibited in all inside areas at the College as well as within a nine-metre radius of any door providing access to the College, subject to the fine stipulated by the Act or a penalty stipulated in this by-law. As for the College residences, refer to the residence by-law, commonly known as the *Building rules*.

6.2.2.3. Consumption of food

For equipment-related hygiene and safety reasons as well as out of respect for the environment, it is prohibited to eat or drink in any premises where it is forbidden to do so, as posted. As for eating in classrooms, it is up to individual teachers to determine their own rules.

6.2.2.4. Posting and graffiti

Any posting at the College must be done in accordance with the applicable principles and rules set out in the Cégep de la Gaspésie et des Îles *Posting-related communication policy*.

In addition, it is prohibited to write or paint graffiti or draw on College walls and property.

6.2.2.5. Discrimination

Every person has the right to the safeguard of his dignity, honour and reputation. Any form of discrimination manifested in speech, writing or acts of a contemptuous or a degrading nature towards a person or group of persons because of their sex, age, colour, ethnic or national origin, religion, language or sexual orientation is formally prohibited. Consequently, in accordance with Sections 10 and 10.1 of the *Québec Charter of human rights and freedoms*, no one may exercise or encourage discrimination of any form whatsoever within College premises or during College-related activities.

6.2.2.6. Games of chance

Bets and games of a pyramidal or chance nature involving sums of money are prohibited in all their forms, unless the organisers of these activities have obtained prior authorisation from the College authorities and a permit from the Régie des alcools, des courses et des jeux du Québec.

6.2.2.7. Dress code

While on College premises, every person must dress in a manner in accordance with decency and good morals and which is appropriate at a teaching institution.

In addition, to ensure hygiene, health and safety in certain rooms, notably in rooms used for sports, in laboratories and in shops, certain specific clothing and accessories must be worn.

Staff members in charge of these activities and rooms are responsible for ensuring that these rules are applied.

6.2.2.8. Use of electronic devices

The use of cell phones and other related electronic devices is formally prohibited in classes, in shops and laboratories, unless expressly authorised by the teaching staff.

6.2.2.9. Adequate use of College material

The use of College property and services for personal reasons is prohibited without written authorisation from authorities.

6.3. Elements concerning pedagogical and student life

In a learning context, the College must ensure that pedagogical activities proceed smoothly. It must enable all students attending the institution to receive the teaching to which they are entitled in an atmosphere of openness and respect that fosters the personal development and educational success.

The College must inform students of all policies, procedures or directives and any by-law regarding all study- and living-related conditions at College and the consequences of their failure to abide by them together with existing recourse. This information can be consulted on the College website.

Students are required to adopt respectful behaviour in their dealings with teaching staff, fellow students, College staff and security guards. They must abide by the rules established by the department in which they are enrolled as well as the directives and procedures established by the various College departments.

6.3.1. Complaints

6.3.1.1. Complaints concerning harassment and violence

For complaints concerning harassment and violence, refer to the *Policy regarding prevention and intervention with respect to harassment and violence in the workplace*. Persons who believe they have suffered harassment or violence can make a complaint to the relevant administrative authority:

- Campus or continuing education management when the complaint concerns a staff member or a student; or
- Administration department management when the complaint concerns senior management staff.

6.3.1.2. Complaints of an academic nature

For complaints of a pedagogical nature, refer to the *Institutional policy and the evaluation of student achievement (IPESA)*.

Students who wish to file a complaint regarding a fellow student, teacher or other employee must first, as far as possible, present the complaint clearly and calmly to the person concerned. This meeting must proceed in mutual respect and a shared desire to settle and resolve the conflict.

In specific cases where a student maintains a complaint following the meeting or meetings with the person concerned or in cases where the student cannot meet the person concerned given the seriousness of the alleged act, the student can then discuss his concerns with the department coordinator or his designated substitute or if the case involves continuing education, with the academic advisor. This person can then help the complainant find a solution to his problem. Should it prove impossible to

find a satisfactory solution, the problem can then be submitted to the attention of the campus or the continuing education director who shall then ensure follow-up of the case. If the student disagrees with the proposed solution, he can submit an appeal to the academic dean.

Throughout this process, the student or person can be accompanied by a union representative or colleague (students can be accompanied by a student association representative or any other person of his choice).

In general, students who are still dissatisfied with the treatment of their complaint can send their complaint to the ombudsman who shall see to forwarding the file to the proper bodies.

6.3.2. Respect of premises and equipment

In order to foster the maintenance of a harmonious climate at the College, it is important that every person, throughout the premises, adopt behaviour that encourages learning and abide by the rules enacted both by the teachers and the staff responsible for implementing certain teaching activities; in addition, every person agrees to respect the educational activity schedule and the scheduled break time between teaching periods.

It is in this same spirit of respect and cooperation that should be the hallmark of pedagogical and student life at the College that we must remember:

- ❖ That every person who wishes to have access to the library must abide by the rules of silence, except in work rooms designated for this purpose. Persons visiting the library must also protect and leave intact all the material present there as well as the encyclopaedias, magazines, volumes, CDs, etc. available to them;
- ❖ That in the laboratories and shops, every person must abide by the safety rules, notably those concerning the dress code (Clause 6.2.2.7), and engage exclusively in the activities appearing on the syllabus for the laboratory or shop;
- ❖ That the computers are made available to persons working on school-related or pedagogical assignments connected to their courses or their work duties;
- ❖ That persons present at internship sites must abide by department policies pertaining to internships as well as the rules established by teaching staff and internship hosts; and
- ❖ That every person with College affiliation who is off the premises for student or employment activities represents the College and must adopt behaviour consistent with this role.

6.3.3. Outside activities

Students or staff members who represent the College at pedagogical, cultural, sport or promotional activities taking place outside the institution must adopt attitudes and behaviour that are consistent with their role as a representative of the College.

6.3.4. Respect of copyrights

Every person who wishes to use in any way at the College a work protected by copyright must do so in accordance with the agreement on the management and declaration of copyrights entered into by the Fédération des Cégeps and COPIBEC as well as with existing legislation, the agreements signed by the College and the administrative guidelines it has issued.

6.3.5. Unusual activities

Authorisation from the academic dean is required to organise any event likely to affect the normal conduct of College activities.

6.3.6. Welcome and integration activities

All initiation activities are prohibited at the College. This being said, activities to welcome new students and staff and help them integrate College life are encouraged. Any welcome and integration activity must be authorised in advance by the campus director or his agent and must take place in accordance with any conditions they may determine.

To be authorised, any welcome and integration activity must meet the following objectives and criteria:

- a) The welcome and integration activity must seek to attain at least one of the following objectives: become better acquainted with individuals (staff and students), become better acquainted with College premises and resources;
- b) The welcome and integration activity must comply with Cégep by-laws and policies, maintain the integrity of College property and respect human rights and freedoms, notably the right of every person to abstain from participating in such activities;
- c) The welcome and integration activity must respect the normal conduct of educational activities; and
- d) The welcome and integration activity must not, in any way, incite or encourage the commission of acts that are counter to personal and public health and safety, good morals, or existing legislation.

6.3.7. Lockers

Every student who has the use of a locker agrees to empty it of his personal belongings within ten days of giving notice of his departure, or within ten days of term's end as established by the academic calendar. After this deadline, all personal belongings will be collected and stored at the College for no more than one month and it will cost \$10 to recover them.

At the end of this one-month maximum storage period, the College shall dispose of unclaimed items as it sees fit.

6.3.8. Information

The College must inform the student of the breakdown and use of fees charged pursuant to Section 24 of the *General and Vocational Colleges Act*.

The student is responsible for attending and participating in meetings and assemblies to which he is summoned.

The student is responsible for becoming familiar with information made available to him.

CLAUSE 7 PENALTIES

Every person who contravenes a provision of this by-law is liable to a penalty. Penalties include a written reprimand added to a personal file, suspension for a determined period, dismissal and termination of employment. Immediate expulsion from the premises must be considered an exceptional, bridging measure, the goal being to restore order. The penalty levied shall be determined by taking into account the severity of the misconduct, whether it is a first offence and the number of offences committed by the same person.

However, in situations involving staff members, the penalties stipulated in this by-law must be applied in accordance with the relevant rules set out in the collective work agreements in force at the College as well as with the *Senior staff management policy*.

CLAUSE 8 PENALTY MANAGEMENT

8.1. Expulsion from the premises

In general, any senior staff or any other person who takes on responsibility for the conduct of any activity or any person who acts as guard or monitor can immediately expel from the premises any person who contravenes this by-law or causes the College, its members, staff or students prejudice that by its nature or severity calls for immediate action.

8.2. College employees who contravene this by-law are liable to receive:

8.2.1. A written warning

In general and in accordance with collective agreements, any senior staff member can send a written reprimand to a person working under his authority who contravenes the provisions of this by-law.

8.2.2. A disciplinary measure

Following analysis of the case and in compliance with the institution's policies and by-laws as well as with the collective agreements in force at the College, the human resources manager – in collaboration with the immediate superior involved – can impose disciplinary measures against an employee who contravenes this by-law, up to and including dismissal.

8.3. Responsibility of teachers regarding students who contravene this by-law in class

8.3.1. The teacher or person in charge of the laboratory or shop first verbally notifies the student who contravenes a provision of this by-law to ensure the safety of persons and maintain a climate conducive to learning.

8.3.2. As stipulated in Clause 8.1 of this by-law, the teacher or person in charge of the laboratory or shop can immediately expel from the premises any person who contravenes this by-law or causes the College, its members, staff or students prejudice that by its nature or severity calls for immediate action. In this case, the campus or continuing education director must immediately be informed of the file and the student is liable to the penalties stipulated in Clause 8.4.

8.3.3. In general, after two verbal warnings, if the student continues to contravene a clause of this by-law, the teacher or person in charge of the laboratory or shop can then ask the student to withdraw from the class, laboratory or shop. The teacher or person in charge of the laboratory or shop then informs the department coordinator or the continuing education academic advisor of the situation and, if necessary, the campus or continuing education director.

8.3.4. Thereafter, before the student has rejoined his activity, the teacher or person in charge of the laboratory or shop shall meet the student to clarify the provisions of this by-law and to make sure the student accepts to abide by them. Each party can be accompanied at this meeting by a witness (department coordinator, union or student representative, colleague). Following this meeting, if the student accepts to abide by this by-law, he can rejoin his class, laboratory or shop. If not, the file shall be forwarded to the campus or continuing education director who will see to applying Clause 8.4.

8.3.5. The teacher or person in charge of the laboratory or shop who, after this review of the by-law, has to again warn the same student about an issue of the same nature shall ask the latter to leave the class, laboratory or shop. The teacher or person in charge of the laboratory or shops shall then inform the department coordinator of the situation and the file shall be forwarded to the campus or continuing education director who will see to applying Clause 8.4 of this by-law.

8.4. Students who contravene any of the provisions stipulated in this by-law are liable to the measures set out hereunder.

Note: When a student is called to a meeting at which a penalty stipulated in clauses 8.4.1, 8.4.2, 8.4.3 and 8.4.4 may be levied, management is required to notify the student

involved that he can be accompanied by a member of the student association or any other person throughout the proceedings.

- 8.4.1. A verbal warning is given by a senior staff member in charge;
- 8.4.2. A written reprimand is issued by a senior staff member in charge, together with clearly served agreements;
- 8.4.3. Immediate and temporary suspension of from two (2) to five (5) consecutive working days to permit an investigation, with said suspension being levied by a senior staff member in charge;
- 8.4.4. Based on the outcome of said investigation and depending on the seriousness of the misconduct:
 - a) An additional period of suspension of from five (5) to ten (10) consecutive working days may be levied by the academic dean, the continuing education department director or the campus director;
 - b) Exclusion from one or more courses, for the entire term, may be levied by the academic dean or the continuing education department director;
 - c) Exclusion from an activity or project, for the entire term or block of courses, may be levied by the academic dean or the continuing education department director;
 - d) Suspension from the program of study, for the entire term, may be levied by the academic dean or the continuing education department director;
 - e) Exclusion from the program of study may be levied by the academic dean or the continuing education department director.
 - f) Suspension for a period of more than ten (10) working days may be levied by the director general;
 - g) Permanent expulsion from the College may be levied by the College director general;
 - h) The complaints shall be entered into the student's file and kept by the College.

CLAUSE 9 RECOURSE

When applying this by-law, every person against whom the College levies a penalty has the right to be informed of the following recourse mechanisms.

9.1. Recourse mechanisms when a penalty is levied against a College employee

When a penalty is levied against a College employee, the recourse mechanisms are those set out in the collective agreement of the union to which the employee in question belongs or those set out in the *Senior staff management policy*.

9.2. Recourse mechanisms when a penalty is levied against a student

- 9.2.1. When any of the penalties stipulated in paragraphs a) to e) of Clause 8.4.4 of this by-law is levied against a student, said student can appeal to the director general. To do so, said student must submit the request in writing within 10 working days and indicate the reasons for appealing the levied penalty.

If the student's reasons are deemed valid, the student – accompanied by a student association representative or any other person of his choice – can meet with the director general to argue his point of view.

The director general shall come to a decision as quickly as possible. This decision is final and without appeal. In the absence of the director general, the academic dean shall be responsible for making the decision.

- 9.2.2. When a student is levied a penalty provided for in paragraph f) or g) of Clause 8.4.4, he can appeal the College's decision before a recourse committee that shall be composed of three people appointed annually by the board of governors. These three people are chosen from amongst the members of the board of governors, staff members and current students sitting on the board may not be members of the recourse committee.

The student contesting said penalty and who wishes to use his right to recourse must send a request in writing to the recourse committee within five (5) working days of receiving the penalty; in this letter, he must set out the main elements he intends to invoke. In the meantime, the penalty levied by the College shall be maintained until a final decision is made by the recourse committee.

Within five (5) working days of receiving the student's request, the secretary general or another College representative shall call the student to an audition with the members of the recourse committee. This call is sent to the student association at the same time.

During this audition, the student in question shall be invited to present his version of the facts. If he so wishes, he can also be accompanied by a witness who can help him describe the events that occurred, as well as by a person representing the student association. As for the College, it can ask to have other witnesses heard if it so wishes.

Within five (5) working days after the audition, the recourse committee shall present its decision and transmit it to the student in question. This decision is final and without appeal.

CLAUSE 10 APPLICATION OF THIS BY-LAW

The director general is responsible for applying this by-law and the board of governors delegates to him the authority to take any action needed to ensure compliance. He can be assisted by any person

he designates for this purpose. It is also the responsibility of each College director to ensure compliance with this by-law within his department.

ADDITIONAL NOTES:

This by-law was adopted by the Board of Governors on _____.

This by-law abrogates any by-law or previous text pertaining to the purposes of said by-law.

N.B.:

This English translation is provided as a courtesy to English-speaking parties.
It has no official or legal value for interpretation purposes.