



**Trent University  
Charter of Student  
Rights and Responsibilities**

**Revised Spring, 2020**

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### **\*Accessibility Notice\***

This document is available in PDF and Microsoft Word format on the AVP Students website. A printed copy can be attained at the AVP Students' Office, Suite 206, Champlain College. Persons involved with the Charter process (complainants, witnesses or respondents) may conduct their involvement orally or with the assistance of an interpreter upon request.

Note that words highlighted in **bold green** in the text are included in the "Definitions" appendix.

# 1. Preamble

This Charter relates to the behaviour of all students who are engaged in activities affiliated with Trent University. It seeks to ensure the personal safety and well-being of all members of the university community. The fundamental goals are to:

- 1) Create a supportive learning environment
- 2) Prevent the reoccurrence or escalation of disruptive behaviour
- 3) Protect the safety, dignity and reputation of each individual and of the community as a whole
- 4) Respond in a timely manner to sensitive issues
- 5) Protect sensitive information that is disclosed confidentially
- 6) Uphold the university’s obligations in supporting its students

## A. Scope

The Charter of Student Rights and Responsibilities is applicable to all **student** conduct that occurs:

- on property owned or leased by the University;
- at any municipal facility included in agreements between the Cities of Oshawa or Peterborough and Trent University;
- during a University-sanctioned activity that takes place off campus (i.e. an event that is funded and/or approved by Trent University);
- when a student is acting as a designated representative of the University and/or of a student group;
- when using electronic communications under the name of Trent University, or using technology managed by the university (see policies established by the Information Technology department);
- when using social networking sites (while the University does not actively monitor student social networking, content that is brought to the attention of the University that reasonably suggests breach of this Charter or other university policies may be investigated and responded to by the University as appropriate);
- on any public transit services provided to Trent University.

Notwithstanding this scope, the University can provide advice and assistance to all members of the Trent community experiencing difficulties with respect to student conduct.

All complaints will be handled and decision-making processes conducted in a manner consistent with the principles of natural justice and administrative fairness. The standard of proof required to establish a violation of the Charter is the civil standard, or **balance of probabilities**, meaning the evidence demonstrates it is more likely than not that the alleged misconduct occurred.

## B. Community Standards

As members of a community, we each share responsibility for encouraging constructive behaviour and, to the best of our ability, challenging behaviour that is harmful. The standards we collectively choose to uphold have a

significant impact on our ability to be inclusive and the value of education at Trent. This university is intended to be a collegial environment characterized by mutual respect.

### **C. Right to Consultation**

At times, individuals find themselves confronted with behaviour or a situation that they find troubling; all members of the Trent University community have the right to confidentially seek advice from a **staff resource person** who will listen without judgment and who will help to identify options for a remedy. Individuals who come forward have a right to specify what they would like to see happen next, and their privacy will be protected.<sup>1</sup>

### **D. Relationship to Other Policies**

This policy establishes a framework for responding to student behaviour that violates any administrative policies of the University, found at [trentu.ca/secretariat](http://trentu.ca/secretariat). A summary of relevant administrative policies can be found in the appendices. Note that cases of sexual violence fall under the Trent Sexual Violence Policy. Brief explanations of these policies may be found on the Office of Student Affairs website at [trentu.ca/studentaffairs](http://trentu.ca/studentaffairs)

Individuals may be in a **dual role**, as both students and employees of the University, and there may be a question of which University policy should apply. In this case, the **Adjudicator** may consult with the Associate Vice President, Human Resources and union representatives, if applicable, to determine which policy should apply to the precipitating incident. Generally, other policies or collective agreements would apply when the student was acting in the capacity of a University employee.

## **2. Fundamental Rights and Freedoms**

A student’s fundamental rights are upheld to the point at which they present a significant risk of harm to themselves or others. In this context, every student has the right to:

1. Pursue their education in an environment that is respectful, safe, secure and conducive to learning.
2. A university experience free from violence, harassment, intimidation, bullying, hazing or coercion, including online and through social media.
3. Self-determination with regards to their bodies, the opportunity to fully participate without unwanted sexual attention or sexual objectification.
4. Due process and the right to a fair hearing by University officials acting in their administrative capacity.
5. Protection of privacy of their personal information consistent with existing policy and legislation.
6. Choice of whether or not they will make use of support programs that are designed to help alleviate personal difficulties.
7. Be accommodated on the basis of recognized human rights grounds.
8. Compassionate understanding of major life events that represent an emotional crisis.

Every student enjoys the freedoms of:

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<sup>1</sup> Note: under some circumstances, the university has an obligation to act that supersedes confidentiality. This includes when a person is believed to be at risk of imminently harming themselves or someone else, or where there is a risk to a child under the age of 16.

9. Opinion, expression, belief and political association within the context of civil discourse.
10. Belonging to any lawful association of their choice and shall not be subject to any prejudicial action on the basis of such membership.
11. Peaceful assembly and participation in demonstrations, while respecting the rights of other members of the community and responsibilities outlined in this Charter.
12. Refusing to enter into an area that is undergoing a picket by employees of the University, if such entrance creates a risk to their personal safety.

These rights and freedoms do not supersede other University policies or relevant legislation.

### **3. Fundamental Responsibilities**

Every student is responsible for:

1. Contributing to making the Trent community safe, respectful and inclusive, both in person and on social media.
2. Ensuring one’s conduct does not interfere with another student’s ability to complete academic activities.
3. Refraining from conduct that threatens the health, safety or dignity of any person (including themselves), the institution or one of its communities, or violates the law. This includes but is not limited to:
  - a. Inappropriate use of safety equipment and procedures
  - b. Possession of weapons (as defined in Trent’s Weapons Policy)
  - c. Damage to property
  - d. Accessing private, locked or restricted areas without authorization
  - e. Misuse or unauthorized distribution of alcohol or drugs
  - f. Assault, sexual violence or harassment and stalking (please refer to Trent’s Sexual Violence Policy)
4. Respecting privacy and confidentiality, including but not limited to:
  - a. Access to electronic files, user accounts or devices
  - b. Disclosure of confidential information without consent/authorization
5. Taking responsibility for behaviour caused by personal difficulties, and ensuring such circumstances do not infringe on the rights of others in the community.
6. Behaving in a fully truthful and forthright manner when engaging in university activities, or in procedures under this Charter.
7. Abiding by administrative policies set out by the institution, including any contracts or agreements between the student and the university.
8. Following all relevant laws at the municipal, provincial, and federal level, or local and regional laws when traveling abroad.

Where the University has taken reasonable measures to raise awareness of a policy, ignorance of the policy will not be considered acceptable. Intoxication (alcohol/drug use) will not be considered an acceptable justification for misconduct. Mental health is understood to be a factor that can influence behaviour, however, it remains

the responsibility of the student to take reasonable steps to manage symptoms such that they do not endanger any person or property.

## 4. Healthy Community Life

Trent University is home to many student communities such as the colleges; cultural, religious and other identity groups; sports teams; students who are actively addressing political and social issues; and groups that form around common academic or non-academic interests.

Through community life, students develop communication skills, problem-solving skills, and positive mental health, all of which help to prevent conduct issues. As such, all students share in the responsibility for helping to create strong communities that are defined by these characteristics:

- Shared common interests, experiences, or cultural understandings
- Inviting to newcomers
- Avoiding anonymity or diminished independent thinking
- Having a unique group identity
- Invested in building strong relationships
- Emphasizing mutual respect, including patience, gratitude, and asking rather than expecting things of each other
- Addressing disagreements openly and in a constructive manner
- Encouraging concern for each other, and being alert to those who are struggling
- Seeking out opportunities to learn about and include people from diverse backgrounds
- Shared leadership that adapts to the needs of members
- Being connected to a sense of tradition balanced with an openness to innovation and change
- Establishing group norms that promote respect and inclusivity
- Pursuing shared goals
- Taking a thoughtful approach to legacy and succession planning
- Promoting a sense of fun and curiosity
- Making every effort to avoid alienating members of the community through intentional or unintentional behaviours that discriminate or exclude others

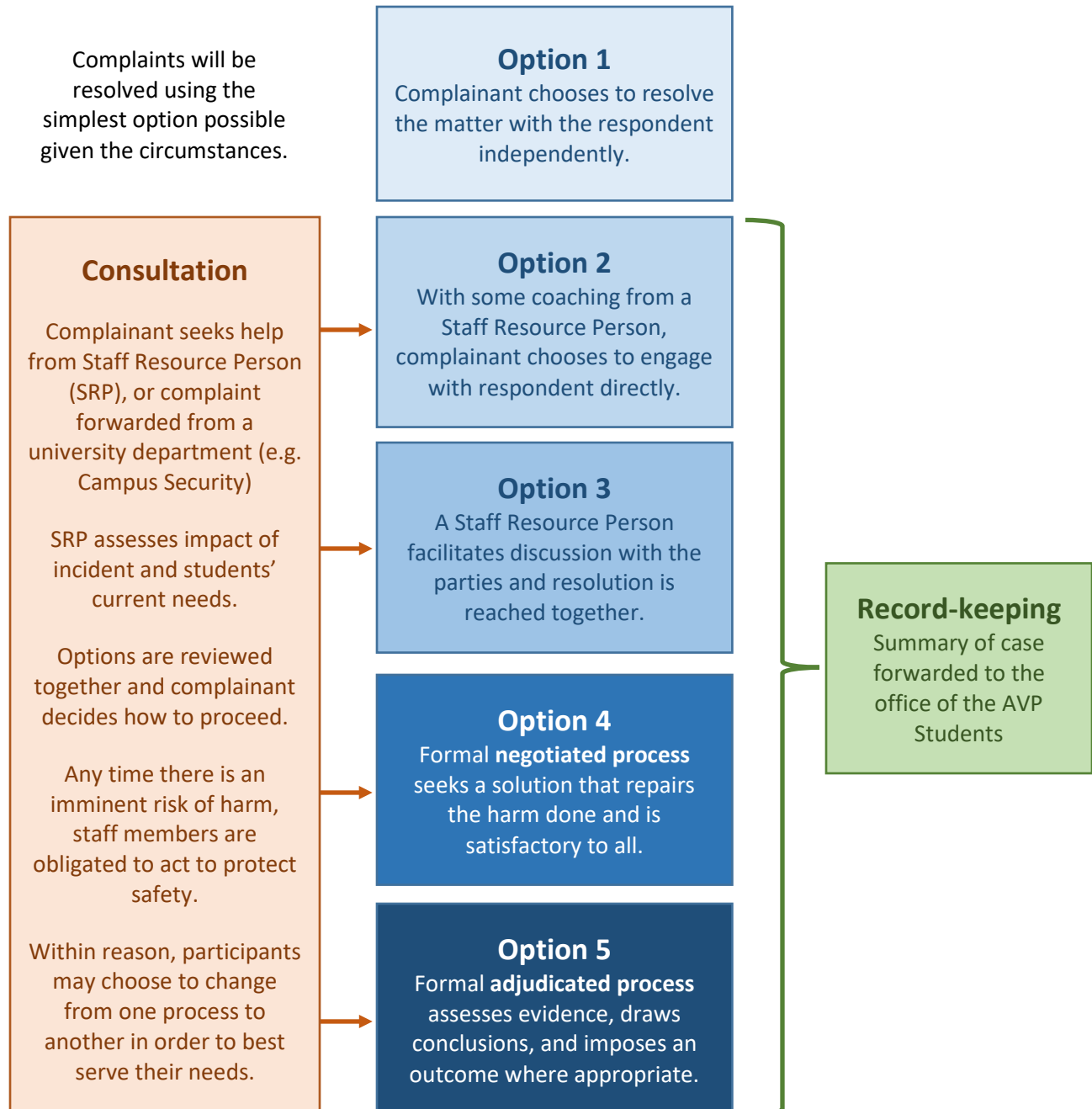
## 5. Prevention: Capacity-Building Initiatives

The University and student associations will undertake a comprehensive prevention strategy that seeks to reduce behavioural problems. This will include:

1. Ensuring students are aware of the Charter and its basic tenets through orientation programming.
2. Engaging the general student body in skills development programs that promote conflict resolution, bystander intervention, mental health awareness, listening and communication, and building a healthy sense of community.
3. Providing additional training to students in leadership positions, including but not limited to: individuals elected to student associations, residence dons, orientation leaders, student staff, clubs and other student organizations, and varsity athletes.
4. Training **peer advocates**, some of whom will be student leaders, who can support the educational efforts related to the Charter and conduct skills development.
5. In residence, assisting with the negotiation of community standards, roommate contracts and other agreements that help students to live together harmoniously.
6. Working with student groups to promote:
  - a. open group membership,
  - b. establishing and building commitment to shared goals,
  - c. empathy and seeing the world from multiple perspectives,
  - d. understanding of equity seeking groups,
  - e. recognition of complexities surrounding power and privilege,
  - f. understanding of conflict and seeing behaviour in context,
  - g. establishing positive group norms, and,
  - h. separating issues from individuals, to minimize personal attacks and to promote civil discourse.
7. Providing staff and faculty training on support strategies and resources for when a student discloses that they are experiencing personal or interpersonal difficulties.
8. Ensuring a wide range of supports are available to students who are experiencing difficulties, including:
  - a. encouraging frontline staff to be open, accessible, supportive and engaging,
  - b. making information readily available about where to go for assistance ,
  - c. encouraging a consistent approach regardless of where students first go for help,
  - d. promoting a collaborative and integrated approach when multiple service providers are involved with a student’s circumstances,
  - e. ensuring students are involved and have agency in decisions related to themselves.
9. Routinely seeking feedback and opportunities for improvement around the effectiveness of prevention strategies.

## 6. Procedures

### A. Complaint resolution processes



A listing of Staff Resource People is available on the Student Charter of Rights and Responsibilities website at <https://www.trentu.ca/currentstudents/policies-decision-making/student-conduct/student-charter-rights-and-responsibilities>



## B. General Principles

1. All students involved in the procedures outlined in the Charter are expected to act in good faith, cooperate with university personnel and other students, and be truthful throughout the process.
2. Correspondence to a student's Trent University email address will be considered official communication.
3. Safety remains the highest priority. Any time there is a reasonable expectation of imminent danger, university personnel are obligated to refer the matter to the Extreme Circumstances procedures for further assessment and intervention as needed.
4. To the greatest extent possible, the needs and safety of the complainant(s) will direct which process is followed.
5. Effort will be made to reduce the number of times a complainant is asked to retell the details of a traumatic event.
6. University staff, including Campus Security, can initiate a complaint in the following circumstances:
  - a. An anonymous complaint based on fear of reprisal, with the understanding that the respondent has the right to examine evidence against them,
  - b. Significant risk of harm to other persons or the institution,
  - c. Clear evidence about what transpired during a precipitating incident, including behaviour witnessed by university staff.
7. In cases of sexual assault, guidelines for support, disclosure, reporting and investigations can be found in the Trent Sexual Violence Policy.

## C. Options 1-3: Consultation and Resolution

1. **Option 1:** Individuals who have concerns about the behaviour of a student are expected to first consider whether they can address the situation on their own.
  - a. Choose a time and place when the conversation can proceed calmly, privately, and without too much delay from the precipitating incident.
  - b. Speak about the impact of the behaviour, focusing on the behaviour and not making a judgment about the person.
  - c. Acknowledge the standpoint of the other person.
  - d. Work together to find agreement on how to resolve the issue through better mutual understanding, and possibly a different pattern of behaviour in the future.
2. **Option 2:** In the event that an individual finds they cannot address the situation on their own, they can consult with a **staff resource person**.
  - a. Staff resource people are not adjudicators; their role is to guide individuals in finding resolution to their concerns.
  - b. The conversation will allow staff to assess the impact of the **precipitating incident** and current needs of the complainant. Complainants should be prepared to discuss:
    - i. Any current safety concerns
    - ii. Impact on their ability to study or engage in academic pursuits

- iii. Consequences with regards to participating in community life
- iv. How they have responded to the situation
- v. Stresses that may be exacerbating the situation
- vi. Other relevant context
- vii. Any thoughts about what they might need to resolve the situation
- c. Together, the staff resource person and complainant will review options for proceeding and decide on a course of action.
- d. Confidentiality will be reviewed and affirmed, including limitations when the University may be obligated to act in order to protect safety.
- e. Following the consultation, the complainant may choose to resolve the matter with the respondent on their own. In such cases, the consultation may also include coaching to try out different approaches to discussing the issue.
- 3. **Option 3:** If the consultation is not sufficient, the complainant may request the staff resource person conduct a mediation with both parties to try to resolve the issue. This is a non-judicial option.
  - a. There must be clear and simple objectives, with a focus on resolution that will be acceptable to everyone.
  - b. At this point, the discussion will not need a written statement of facts or conclusion, simply of outcomes.
- 4. If a mediation is not possible or seems unlikely to resolve the matter, the complainant may request a formal negotiated or adjudicated process (see below).
- 5. For options 2 and 3, a brief written **record** will be provided to the Office of the AVP Students and to all parties who participated in the process. This will include:
  - a. A statement of complaint and description of the incident(s),
  - b. An overview of the timeline from the precipitating incident to the conclusion of the process,
  - c. A description of any outcomes,
  - d. An explanation of how confidentiality applies in this circumstance.

## **D. Initiating a Formal Process**

Formal procedures under the Charter (either using the negotiated process or the adjudicated process) must normally be initiated within six months of the incident in question, except in exceptional circumstances where there is a clear reason for delay (e.g. pending criminal proceedings, fear/intimidation, or an absence from campus). **Mediation**, however, can be initiated at any time provided that all parties are in agreement to proceed. Formal processes are undertaken by the University’s designated **Adjudicator** or **Adjudication Panel**.

1. Any individual may initiate a formal process by providing a written summary of the concerning incident(s) to the Office of the Associate Vice President Students (see Appendix D for a sample). This summary can also include witness statements. Please visit <https://www.trentu.ca/currentstudents/policies-decision-making/student-conduct/student-charter-rights-and-responsibilities> for contact information. This process can be initiated by any member of the university community.

2. The Adjudicator will meet with the complainant to collect information and to determine whether or not to pursue a formal procedure, in consultation with the complainant.
3. The respondent(s) will be notified in writing of the nature of the complaint, the evidence included in the complaint, and information about the proceedings that will follow. For any student who does not respond to email communications, notification will be sent to the last address on record with the University. If the respondent does not engage in the process, it may proceed without them.
4. Unless otherwise specified, each sequential meeting in the process will occur within one week of the preceding step, not including holidays, reading weeks, or closures of the University.
  - a. Meetings may be deferred at the discretion of the Adjudicator for up to seven business days.
  - b. The student(s) may request a delay in the meeting of up to three business days to consult with an **Advisor**, or where there is a direct conflict with an academic commitment.
  - c. Under normal circumstances, the entire process is expected to be completed within 60 days of when it began (see below for exceptional circumstances).
5. During any meetings relating to this process, the student may be accompanied by an Advisor of their choosing. While an Advisor may speak during the process, the student is still expected to speak on their own behalf. The Adjudicator must be notified in advance of who would be acting as a student's Advisor and the other party will be notified. All participants are expected to maintain confidentiality outside the meeting(s) and may be asked to sign confidentiality agreements.
6. The Adjudicator can be notified by either party of any issues of power imbalance and will work to minimize the effects of these.
7. If the complainant or the respondent need accommodation in order to participate in the formal process, it will be provided.
8. In the event of an identified **conflict of interest** with the Adjudicator or Adjudication Panel, the AVP Students will appoint a designate. The Adjudicator should be independent from the individuals and issues involved in the complaint.

## **E. Option 4: Formal Negotiated Process**

The purpose of this approach is to find an outcome that repairs the harm caused by a situation. Typically this happens through negotiated conversations that are intended to generate mutual understanding, behaviour change, and a constructive action plan for the future. This process is handled by the Adjudicator.

1. First, the complainant(s) will be interviewed, then the respondent(s). Witnesses may also be interviewed.
2. Next, steps will be proposed to the complainants, and may include any of the following options:
  - a. Interim measures designed to acknowledge the impact and prevent reoccurrence;
  - b. A proposal from the respondent that includes goals and a timeline for tasks they would like to undertake to:
    - i. Prevent reoccurrence, and
    - ii. Repair the harm caused by the precipitating incident(s);

- c. A mediation with everyone present in which an appointed facilitator (usually the Adjudicator) encourages an exploration of the behaviour, its root causes, the effect on others, and possible remedies;
  - d. A conciliatory meeting in which the complainant(s)/respondent(s) involved do not meet face-to-face, but information is shared back and forth by the facilitator(s);
  - e. Agreed upon administrative recommendations designed to remedy the harm that may have been caused.
3. Each component of the negotiated process must be agreed upon by all parties, this includes:
- a. Developing and agreeing to a set of expectations that ensure everyone has a fair opportunity to participate and is respected in the process;
  - b. Working together to define the topics that will be discussed, and possibly some topics that are too sensitive to explore;
  - c. Deciding on how the process will unfold, including steps, who to involve, when and where it will take place, and appropriate forms of communication;
  - d. Agreeing to **outcomes** that satisfy those who have been impacted.
4. The process will take the form of one or more discussions with those who are directly involved.
- a. All participants are expected to approach the process with an open mind, a willingness to listen, and a genuine desire to better understand what has happened.
  - b. The conversations will be constructive in nature. That is, they will seek to bring about new insight into what happened, what it meant to those who were involved, and what should happen next.
  - c. It is understood that this may be emotional for the parties involved. It is expected, therefore, that:
    - i. Each participant will engage in a thoughtful and reflective manner,
    - ii. All parties will make an effort to de-escalate tensions,
    - iii. Individuals who take emotional risks will be treated with respect,
    - iv. If blame enters into the discussion, it will be focused on the situation and not on perceived individual shortcomings.
5. The respondent may choose to undertake a process that acknowledges how others have been impacted, without admitting culpability. This could include acknowledging the impact of the situation, and proposing strategies to mitigate the impact and avoid further escalation of the situation.
6. The process can be extended beyond 60 days should it be agreeable to all parties.
7. The matter will be deemed to be resolved when the process comes to a natural conclusion, the outcomes have been adequately fulfilled, and all parties agree that it may be put to rest.
8. At any point in this process either the complainant or the respondent may choose to request a formal adjudicated process.
9. A brief written summary will be provided by the Office of the AVP Students to all parties who participated in the process and kept as a **record**. This will include:
- a. An overview of the timeline from the precipitating incident to the conclusion of the process,

- b. A description of any outcomes,
- c. An explanation of how confidentiality applies in this circumstance.

## F. Option 5: Adjudicated Process

A formal adjudicated process is intended to determine responsibility for behaviour based on a balance of probabilities, which may result in sanctioning outcomes. Less severe cases are determined by the Adjudicator, and more severe cases by the Adjudication Panel on referral from the Adjudicator.

### Adjudicator Cases

1. Cases not likely to result in suspension/expulsion as an outcome will be heard by the **Adjudicator**.
  - a. The Adjudicator will first interview the complainant(s) to clarify any information provided in the written documentation.
  - b. The Adjudicator may also interview witnesses provided by either the complainant, or the respondent following the meeting with them. As well, if there are additional individuals who have been affected by an incident they can be given the opportunity to describe how they have been affected. The respondent has the right to address all relevant aspects of witness statements.
  - c. The Adjudicator will then have an initial meeting with the respondent(s).
    - i. The respondent will be made aware of the nature of the complaint ahead of time and will have the opportunity to review all written evidence.
    - ii. During this initial meeting, the Charter Adjudicated Process will be reviewed with the respondent.
    - iii. The respondent will have the opportunity to address all relevant aspects of the complaint. This may include clarifying the facts, offering additional evidence, and describing additional contextual factors. The respondent has the right to address these either orally or in writing.
    - iv. An Advisor for the respondent may be present and contribute to the discussion, but it is expected that the student will speak on their own behalf.
    - v. Follow-up with the complainant/witnesses will not normally be necessary, except in instances where credibility is an issue or when new facts arise; this will be determined by the Adjudicator, who may follow up with any witnesses to clarify their statements.
  - d. If the respondent does not attend the initial meeting, after having been given a reasonable opportunity to do so, the Adjudicator may proceed to make decisions on the case in the absence of the student's input.
  - e. Following the investigation, the Adjudicator will decide the case. At this stage, based on the **balance of probabilities**, there are two possible courses of action:
    - i. If the student is found to be not responsible, the case will be closed.
    - ii. If the student is found to be responsible the Adjudicator will decide an outcome; see Section 7: Outcomes.

- f. The decision of the Adjudicator will be communicated in writing to both the respondent and complainant. This will include:
  - i. A summary of the incident(s) in question and a finding with regards to responsibility,
  - ii. A description of outcomes (if any) that are to be imposed,
  - iii. A time frame and process for any applicable follow-up,
  - iv. An explanation of the appeals process,
  - v. An affirmation of how confidentiality applies to the case.

If a common decision letter would disclose personal information of either party, the Adjudicator will send separate, confidential versions of the letter to each party.

The decision will be kept as a **record** by the office of the AVP Students in accordance with Section 8 of this Charter.

- g. Either the respondent or the complainant has the right to appeal the decision of the Adjudicator; see Section J: Final Appeals.

### **Adjudication Panel Cases**

- 2. Cases of sufficient severity that have the potential to result in suspension or expulsion as an outcome will be referred to the **Adjudication Panel**
  - a. The Adjudication Panel is composed of the following:
    - i. AVP Students or designate (**Senior Adjudicator**)
    - ii. Designated faculty member
    - iii. Executive representative from the Trent Central Student Association (Peterborough undergraduate student respondent), Trent Durham Student Association (Durham student respondent) or Trent Graduate Student Association (graduate student respondent)
    - iv. Assistant to the AVP Students (non-voting) who will record and provide a summary of the hearing for documentation purposes
  - b. Prior to the formal hearing, the respondent will be given a copy of the complaint and will provide a written response, which will then be given to the complainant. The complainant may then provide a further response. Both responses may contain witness statements if applicable.
  - c. Normally, the timeline for the Adjudication Panel process will be as follows:
    - v. Complaint is received and reviewed by the Adjudication Panel – one week.
    - vi. Respondent is provided with the complaint and asked to provide a written response - one week.
    - vii. Complainant is provided with the response and given the opportunity to provide a further response – one week.
    - viii. Normally, the Adjudication Panel will hold a hearing on the case within three weeks of the complaint being received. This can be extended under serious extenuating circumstances, or due to circumstances outside the Panel’s control (e.g. winter break).

- ix. If new evidence is presented at the hearing the Panel may choose to postpone for further time for all parties to consider it.
- d. At the formal hearing the respondent has the right to present evidence and witnesses on their behalf and to question any witness or evidence presented against them. At the discretion of the Adjudication Panel, all individuals at the hearing may be asked to direct their statements to the Panel rather than to the respondent, complainant, or witnesses.
- e. The respondent and complainant each have the right to have an Advisor with them during the process.
- f. The formal hearing process will be moderated by the Senior Adjudicator, who has the right to intervene if the proceedings cease to be respectful and decorous. In addition, either the complainant or the respondent may ask the Senior Adjudicator to intervene if they feel unsafe during the proceedings. Similarly, participant behaviour during the hearing may have an effect on the Panel’s evaluation of the case.
- g. The decision of the Adjudication Panel will be communicated in writing to both the respondent and complainant. This will include:
  - i. A summary of the incident(s) in question and a finding with regards to responsibility,
  - ii. A description of outcomes (if any) that are to be imposed, which could be any of the full scope of outcomes described in Section 7,
  - iii. A time frame and process for any applicable follow-up,
  - iv. An explanation of the appeals process,
  - v. An affirmation of how confidentiality applies to the case.

If a common decision letter would disclose personal information of either party, the Adjudicator will send separate, confidential versions of the letter to each party.

The decision will be kept as a **record** by the Office of the AVP Students in accordance with Section 8 of this Charter.
- h. Either the respondent or the complainant has the right to appeal the decision of the Adjudication Panel; see Section J: Final Appeals.

## **G. Criminal Cases**

1. Where there are anticipated or current criminal proceedings, the respondent may choose to agree to temporary measures that address safety concerns and ensure the situation does not escalate. Agreeing to such measures does not constitute an admission or finding of guilt.
2. Failing agreement on temporary measures, the respondent may choose to participate in the adjudicated process.
3. The university reserves the right to withdraw and/or suspend (forbid access to campus) a student who does not undertake one of the above options.

## **H. Extreme Circumstances**

The university may impose temporary restrictions on a student pending the outcome of any process when doing so helps to ensure the safety of those involved.

The university and student may negotiate a voluntary withdrawal while the situation is being resolved, or in order for the student to address safety concerns.

If the reported conduct is of violent acts and/or behaviours that are deemed to be a significant threat to an individual or to the community, an interim suspension may be recommended pending the outcome of the Charter process, following a safety assessment.

Involuntary withdrawal may be imposed when serious safety issues remain following the outcome of the Charter process.

1. For interim measures in cases of imminent safety concern, interim suspensions may be imposed as follows:
  - a. Initial interim suspension: Police or Campus Security may issue a Trespass to Property Notice to a student for dangerous behaviour at any time for up to three business days, which would restrict the student's access to campus. This may include additional safety measures (see below).
  - b. Extensions of this interim suspension may be made after consultation and agreement between Campus Security and the AVP Students or designate, and may last for the duration of the Safety Assessment process. The student shall be notified in writing.
  - c. Other safety measures (e.g. safety plans, no contact order, limits on social media, etc.) may be included during the interim suspension period.
2. Interim suspensions and safety assessments:
  - a. Interim suspensions can only be imposed when there is a grave concern for safety.
  - b. If an Adjudicated process is also underway, the safety assessment process will not review the entire case, only whether there is reasonable grounds for the safety concerns.
  - c. If an adjudication process is also underway, the respondent may request a different Adjudicator, if that person had been involved in determining the interim suspension. A safety assessment takes priority over the adjudication process.
  - d. The University will work with the student to minimize any academic impact from a safety-related interim suspension.
3. Involuntary withdrawal:
  - a. Can be imposed for up to 18 months.
  - b. Students may apply for readmission at the end of the withdrawal period, and subsequently every six months if readmission is not granted at the time of application.
  - c. Criteria and procedures for readmission will be established at the time of imposing the withdrawal, e.g. an assessment from a licensed psychotherapist or psychiatrist attesting that the individual is at low or no risk to reoffend.
  - d. A notation will be placed on the student's academic transcript indicating that they were required to withdraw for non-academic reasons. Students may petition at a later date to have it removed.



## Trent University Charter of Student Rights and Responsibilities

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4. Decisions about suspensions and involuntary withdrawals will be based on a safety assessment that the student's behaviour presents a significant risk of harm to themselves or others, and where there is no confidence in their ability to amend this behaviour. Examples may include, but are not limited to any of the following:
  - a. Violence or overt threat of violence
  - b. Emergency medical attention required as a result of the behaviour
  - c. Trauma experienced by victims, survivors and/or witnesses
  - d. Evidence of malicious intent
  - e. Major damage to infrastructure
  - f. Escalating pattern of behaviour that is significantly disruptive to normal campus activities
  - g. The student requires significant levels of support to keep conduct within acceptable standards, and this level of support exceeds what can be provided on campus
  - h. An established safety assessment protocol administered by one or more professionals suggests there is a continuing threat at a high or imminent level
5. The following may help to increase the University's confidence in a student's ability to amend their behaviour:
  - a. Ability to abide by an agreement about conduct, possibly including but not limited to:
    - i. Limiting presence in certain areas
    - ii. Avoiding contact with specific people
    - iii. Restricting substance use
    - iv. Engagement in an action plan for change
  - b. The student is making use of professional support services
  - c. There is evidence that the situation is calm or de-escalating
6. A variety of indicators may suggest that the situation is escalating. Examples include, but are not limited to:
  - a. Behavioural incidents are persistent
  - b. The need for law enforcement to be involved
  - c. Significant threat to institutional reputation
  - d. Aggressive behaviour or an indication that a student is seeking retribution
  - e. Student refuses to cooperate with university personnel who are seeking to address the issues at hand
  - f. University community members feeling they are at increased risk
7. Parameters for safety assessment
  - a. Extreme circumstances include a range of situations that may require some variance in decision-making protocols. Safety assessments will be conducted on the principle of encouraging the safest outcome for the respondent and the community.

- b. The respondent will have the opportunity to meet with the safety assessment group, and may bring an Advisor. The respondent may also choose to be represented by an Advisor if the respondent does not attend the meeting.
  - c. Decisions of the safety assessment group will be communicated to the respondent in writing.
- 8. The safety assessment will be conducted at a convened meeting of University staff, including the Associate Vice President Students, Director of Wellness, Director of Risk Management, and an academic Dean, or any of their designates if the individual is not available. The safety assessment group may interview professional staff and/or the complainant(s) to provide clarity with respect to the severity of the situation.
- 9. The safety assessment process will be undertaken as expeditiously as possible, with no more than 5 business days between the report of the situation and notification of the safety assessment to the student. Safety assessments may be repeated in cases of escalation or violation of conditions. Interim suspensions from campus and other safety measures may be imposed while the safety assessment is being conducted.
- 10. The Safety Assessment Team may determine there is no grounds for concern, may refer the case to other Charter processes if it is determined there is not a grave safety concern but that there may be behavioural issues, or impose an involuntary withdrawal which may also include other safety measures.

## **I. End of Process**

At the conclusion of a formal negotiated or a formal adjudicated process, or in the event of a decision with respect to criminal cases or extreme circumstances, a written summary of the outcome(s) will be communicated to the parties concerned. This will include the basis of the ruling, and a summary of the information relied on to make the decision.

## **J. Final Appeals**

- 1. Appeals can be filed by either the respondent or the complainant. A written summary of the appeal, including the stated grounds, can be filed with the Vice President Human Resources ([humanresources@trentu.ca](mailto:humanresources@trentu.ca)).
- 2. Legitimate grounds for appeals include the following:
  - a. A significant error where the procedures outlined in this Charter were not followed correctly
  - b. Clear evidence of a significant **conflict of interest** on the part of a decision-maker
  - c. The outcome is disproportionate with the precipitating incident(s)
  - d. Significant new evidence that was not available at the time of the decision, which has the potential to change the outcome of the case
- 3. Whether the grounds for an appeal exists will be determined by the Vice President Human Resources or designate (any designate must not have been involved in the case to this point).
- 4. If there are grounds for an appeal, the case will be reviewed by the Vice President Vice President Human Resources or designate, who will meet as necessary with the Adjudicator/Adjudication Panel, respondent, complainant and others (e.g. witnesses) as necessary to determine the validity of the appeal.

- a. If the appeal is on the basis of a significant error, new information or conflict of interest, then the entire case will be considered again by a new Adjudication Panel constituted for the purposes of the appeal, and made up of a senior administrator, student leader and faculty member as designated by the Vice President Human Resources.
  - b. If the appeal is on the basis of a disproportionate outcome, then only the impact of the incident, and mitigating or exacerbating factors need be considered. This will be considered by the Vice President Human Resources or their designate, and potentially in consultation with legal counsel.
  - c. In the case of an Involuntary Withdrawal Appeal, a new Adjudication Panel will interview the members of the Safety Assessment Team as well the respondent, who can have an Advisor present, or their Advisor acting on their behalf (requires authorization from the respondent).
5. Results of an appeal may be:
- a. Upholding the original decision
  - b. Modifying the original decision by either increasing or decreasing the outcomes
  - c. Overturning the original decision with no further consequences
6. All decisions of the appeals process are considered final.

## **K. Ontario Ombudsman**

In the event that the complainant or respondent is still unsatisfied after having exhausted the procedures in the Charter, they have the option of filing a complaint with the Ontario Ombudsman. The Ombudsman is an independent officer of the Ontario Legislature who investigates complaints from the public about Ontario government services (including universities), recommending improvements for governance, and resolving individual issues.

Information about the Ontario Ombudsman and the complaint procedures is here:  
<https://www.ombudsman.on.ca/>

## 7. Outcomes

### A. General Description

As described in the procedures section, outcomes may be determined in a variety of ways:

1. Either a respondent or complainant may choose to undertake outcomes that apply to their own conduct as a gesture of goodwill and to help de-escalate a situation.
2. A staff resource person may negotiate outcomes that are agreeable to all parties.
3. The Adjudicator or an Adjudication Panel may impose outcomes based on a finding that a student is responsible for misconduct.
4. The Vice President Human Resources or designate may impose outcomes at the conclusion of an appeal.

Outcomes may vary from one situation to the next, depending on a variety of factors. The following will be taken into account:

- a. Ensuring the safety of all parties
- b. Allowing students the opportunity to learn from their mistakes
- c. Promoting a stronger community where there is a reduced chance of similar incidents
- d. The severity of the incident or level of impact on others, including the needs of those who have been impacted
- e. Any record of prior misconduct
- f. Whether or not the student accepts responsibility for the incident
- g. The student's willingness and ability to modify their behaviour

More than one outcome may be applied as a result of a single incident.

### B. Examples of Outcomes

1. Educational Initiatives: Activities that help the respondent to demonstrate they have achieved meaningful learning on issues related to the precipitating incident. Acceptable initiatives require active participation by the learner and include a way of verifying what has been learned.
  - a. Examples of formats for educational initiatives include:
    - i. Participating in a training workshop or community event
    - ii. Researching authoritative information and writing up the findings
    - iii. Making use of a workbook<sup>2</sup>
    - iv. Enrolling in a relevant course
    - v. Interviewing an expert
    - vi. Participating in a counselling, therapy or peer support group
    - vii. Shadowing an expert to learn more about their lived experience
    - viii. Creating an educational initiative for the community, e.g. a well-researched bulletin board

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<sup>2</sup> For example, many mental health workbooks are available in libraries and bookstores that draw on Cognitive Behavioural Therapy or related approaches, see Counselling for more details.

- ix. Writing a reflective piece that explores the causes and impact of the behaviour and ensuring it does not reoccur
- b. Examples of topics for an educational initiative include but are not limited to:
  - i. How alcohol/drug-related situations can escalate unexpectedly and what can be done to mitigate the risk
  - ii. Dynamics surrounding diversity, inclusiveness and oppression
  - iii. Anger management and/or emotional regulation
  - iv. Feminism and gender diversity
  - v. How financial disadvantages affect students
  - vi. Mental health
  - vii. Myths and realities of bullying, coercion and intimidation
  - viii. The impact of sexual violence, harassment and/or sexual objectification
  - ix. Fire safety and emergency response procedures
  - x. Bystander interventions
- 2. Formal Apology: A written letter of apology, or an oral apology where the respondent and the complainant agree to meet. Effective apologies include the following features:
  - a. Accepting responsibility for one's own conduct
  - b. An explanation of the context that does not minimize the respondent's responsibility
  - c. A genuine acknowledgement of the complainant's perspective and any harm that may have been caused
  - d. Avoiding accusations or blame directed towards others
  - e. Honesty about the facts and emotional significance of what has transpired
  - f. What steps will be taken to ensure the same situation does not repeat itself
- 3. Behaviour Contract: Where the respondent agrees in writing to any of the following:
  - a. Steps to ensure the safety of self and others
  - b. Limiting contact with the complainant(s)
  - c. Staying away from specific areas of campus where further disruption could be likely
  - d. Avoiding the use of alcohol or illegal drugs
  - e. Undertaking educational initiatives related to the precipitating incident
  - f. Voluntarily withdrawing from activities that may have precipitated the behaviour (e.g. social media)
  - g. Making use of professional support services such as counselling to gain better insight into and control over their behaviour
  - h. Avoiding any additional acts of misconduct
  - i. A specific time-frame for undertaking the tasks outlined in the contract and for when/how the contract will come to a conclusion
  - j. Consequences for non-compliance

4. Community service: A project, activity or on-going commitment where the student volunteers their time to improve the well-being of other students or members of the community more generally. Examples include but are not limited to assisting with:
  - a. An awareness campaign
  - b. Organizing a community event
  - c. Becoming a member in good standing with a relevant community service organization.
5. Warning: A notice in writing to the respondent that the behaviour in question violates institutional regulations and must cease.
6. Loss of privileges: Denial of specific privileges for a designated period of time. For example, restrictions from accessing recreational facilities, participating in certain events, or making use of particular online resources.
7. Restitution: Compensation for loss, damage or injury. This may take the form of appropriate service or monetary/material replacement. In some circumstances this work must be undertaken by a qualified professional.
8. Probation: A written reprimand for misconduct. Probation is for a designated period of time and may be applied in conjunction with additional outcomes. If the respondent is found to have engaged in further act(s) of misconduct during the probationary period, additional outcomes (typically more severe) may be applied.
9. Suspension: Separation of the student from the campus for a specific period of time after which the respondent may be eligible to return. Conditions for readmission will be specified. The term of the suspension will be dependent on the severity of the misconduct.
10. Expulsion: Permanent removal of the student from the University.

Note that Outcomes 9-10 can only be imposed by the Associate Vice President Students on the recommendation of the Adjudication Panel. The University Vice President Human Resources will also be apprised of any decision to suspend or expel a student and may choose to review the case.

Transcript Notation: Normally, when a student is suspended, expelled or required to withdraw involuntarily, a notation will be added to their transcript indicating this outcome and that it is for non-academic reasons. The student may petition to have this removed once they are readmitted, or five years after the notation is placed.

The respondent is responsible for ensuring outcomes are completed by a set time. When a respondent does not abide by the outcomes imposed, including violating a behaviour contract, it is within the power and discretion of the Adjudicator to reconsider outcomes, impose new or additional outcomes, or refer the matter to the AVP Students.

## **8. Records**

A respondent or complainant may request copies of all relevant reports or complaints. The request must be made in writing as per the “Request for Documentation Form” found on the University’s website. Documentation will be provided in accordance with University policy and existing legislation on privacy.

1. A register of all decisions will be maintained using the following time periods:
  - a. When a respondent is found to not be responsible, they may request that supporting documentation be kept on file for only one year after a decision is rendered.
  - b. Otherwise, documentation will be kept on file for seven years after a decision is rendered or three years after a student is no longer enrolled, whichever is later.
  - c. After the retention period the file will be destroyed with the exception of the decision letter and/or case record, which will be kept indefinitely.
  - d. Documentation will be kept in a secured file or encrypted format by the AVP Students.
  - e. All documents pertaining to an appeal will be kept confidential except to the extent required by these procedures or otherwise required by law.
2. Any one named in documentation has the right to request copies of all documentation within the parameters of The Freedom of Information and Protection of Privacy Act and the University Privacy Policy.
3. Copies of all documentation will be readily accessible to any decision-makers involved with the adjudicated process (including procedures for extreme circumstances) or the appeals process.
4. An anonymized summary of offences and outcomes will be posted online each term to assist the community in understanding how the Charter is interpreted and applied. This summary will not include any identifying details related to individuals or the case.
5. Appeals and records are considered to be confidential, subject to applicable law.

## **9. Review of the Charter**

The Charter may be periodically updated to reflect minor changes, e.g. staff position titles, names of other policies, web links, etc.

For significant revisions, a Charter Committee, comprised of students, faculty and staff will be struck every three years (or as needed) by the Colleges and Student Services Committee (CASSC), in consultation with the Durham Campus and Student Services Committee (Durham-CASSC), to review, revise and make recommendations on the Charter.

Once significant revisions are completed, the Charter will be posted for public consultation, review by legal counsel, and approval by the Trent President/Vice Presidents group, according to the Trent University policy approval process.

Any complaints that are in progress when a revised Charter comes into effect will be completed under the previous policy unless all parties are in agreement about moving to the new policy.

## 10. Appendices

### A. Definitions

#### Individuals and Trent Community

- Adjudicator: The individual, designated by the Associate Vice President Students, who will receive, review and hear formal allegations of misconduct, and who conducts formal Charter procedures. The AVP Students can appoint a designate in the instance of a conflict of interest.
- Adjudication Panel: A committee of three individuals chaired by the Senior Adjudicator (as well as a person recording) which hears cases that could result in more severe outcomes (suspension or expulsion).
- Advisor: A person identified by the Respondent or Complainant to accompany them to a Charter meeting or to an appeal. The Advisor may include but not be limited to a family member, fellow student, faculty or staff member, professional support person, or legal representation selected by the student.
- Complainant: The person or persons who file[s] a complaint or report about a student's failure to uphold the fundamental responsibilities or about a student's breaches of another community member's fundamental rights as set out in this Charter. The University may act as complainant under specific circumstances.
- Peer Advocates: Trained student leaders who assist with prevention education and who can assist students with referrals to appropriate resources.
- Staff Resource Person: A staff member who is experienced in receiving complaints, coaching students regarding options, and assisting students in seeking resolutions.
- Respondent: A student who has been accused of misconduct, or in the context of an appeal, the person or party who contends against an appeal.
- Senior Adjudicator: The Associate Vice President Students or designate, who chairs the adjudication panel (see above: convened in cases that could result in more severe outcomes).
- Student: Any person admitted to or enrolled at Trent University, full time or part time, pursuing non-credit, undergraduate, graduate or professional studies, whether or not the individual is currently registered in courses or is currently a candidate for a degree, diploma or certificate, including between semesters. A complaint may be held in abeyance if an individual ceases to be a student, and resumed if they return.
- Trent University Community: Current students, faculty and staff of Trent University and guests to the campus.

#### Procedural terms

- Appeal: Subsequent to an adjudicated process, grounds for an appeal would be a major procedural error, conflict of interest, disproportionate outcome, or new evidence. The decision to allow an appeal is made by the Vice President Human Resources or designate.



- Balance of probabilities: An investigation of the complaint finds that it is more likely than not to have occurred. This is a different standard from criminal cases that require the standard of beyond a reasonable doubt.
- Charter procedures: Ways in which complaints are resolved. This ranges from coaching, facilitated discussions, formal negotiations, and formal adjudications, as well as appeals. Complaints will be resolved using the simplest option possible.
- Conflict of interest: This occurs when the Adjudicator, or a member of an Adjudication Panel, has a personal relationship with either the complainant/respondent (outside normal work or academic interactions), has financial, academic or social interests related to the case, or has personal experiences that affect their ability to be impartial.
- Dual Role: When an individual is both a student and employee of the University, which may cause a question to arise of which University policy would apply to the case.
- Extreme circumstances: When a student's behaviour presents a significant risk of harm to themselves or others, and where there is no confidence in their ability to amend this behaviour.
- Formal adjudicated process: To determine responsibility for behaviour based on a balance of probabilities, which may result in imposed outcomes. Less severe cases are determined by the Adjudicator, and more severe cases by an Adjudication Panel.
- Formal negotiated process: To find an outcome that repairs the harm caused by a situation. Typically this happens through negotiated conversations that are intended to generate mutual understanding, behaviour change, and a constructive action plan for the future.
- Interim measures: Shorter-term outcomes that are agreed on, or imposed, pending the outcome of a Charter procedure of safety assessment process.
- Mediation: A facilitated discussion with the complainant(s) and respondent(s) present, in which a trained third party encourages an exploration of the behaviour, its root causes, the effect on others, and possible remedies.
- Misconduct: Behaviour or actions by students that violate the fundamental responsibilities or breach others' fundamental rights, as defined in this Charter.
- Outcomes: The results of a Charter process that are initiated by the respondent, agreed on by the complainant and respondent, or imposed on the respondent, depending on the process used.
- Precipitating incident: Conduct that initiates proceedings under the Charter, which is in violation of rights or responsibilities.
- Record: A record of a proceeding under the Charter will be confidentially forwarded to the Office of the Assistant Vice President Students. Records shall be kept as described in Section 8.
- Safety assessment process: To determine if a student's behaviour presents a significant risk of harm to themselves or others, and the level of confidence in their ability to amend this behaviour, and which may result in an interim suspension or involuntary withdrawal.

## **B. Creating a Safety Plan or Behaviour Plan**

A personalized safety or behaviour plan is developed, usually in consultation with a university support person or counsellor, as a series of strategies to help to manage a situation or behaviour.

These plans usually have the following characteristics:

- Identification of threats, triggers, or unsafe situations
- Strategies specifically intended to respond to these, or minimize the impact of them
- Identification of signs that the situation has escalated beyond what is covered in the plan
- Resources that will be accessed as needed, and often under specific circumstances (e.g. escalation)

A safety plan developed by a person who is feeling unsafe or threatened could include:

- Identification of more safe/less safe situations likely to be encountered on a regular basis
- Screening, blocking or filtering emails, texts or phone calls, and asking a friend to check them for escalation
- Programming resource telephone numbers into a cellphone
- Establishing a “buddy” system with friends
- Ongoing counselling or other supports

A safety plan developed by a person who is in danger of serious self-harm/suicide could include:

- Recognition of specific warning signs or triggering situations
- Creating a safer environment (e.g. removing items that were means to self-harm/suicide)
- Identification of specific coping strategies
- Individuals/support services to contact in a crisis

A behaviour plan or contract developed by a respondent could include:

- Identification of specific causes/situations that led to the behaviour
- Coping strategies to prevent, avoid, or minimize the impact of these causes/situations
- Remediation of the behaviour towards complainants and/or the community (e.g. apologies)
- Support services to develop better self-awareness and self-control

### C. Sample letter initiating formal process

To: Associate Vice President Students

From: Jaye Student, #123456

*I would like to make a formal complaint against Kaye Other-Student.*

[Description of incident]

*We were both participating in the Trent Mudder when he slipped and fell. I laughed, and he got really angry and started swearing at me. He also used homophobic language.*

[Optional: description of what has been tried so far]

*I asked him to calm down and to not use language like that and he swore at me again and walked off.*

[Optional: Description of why formal process is being sought]

*I was really intimidated by him and thought he was going to hit me. Because I was afraid, I didn't say anything.*

[Optional: Witness statements]

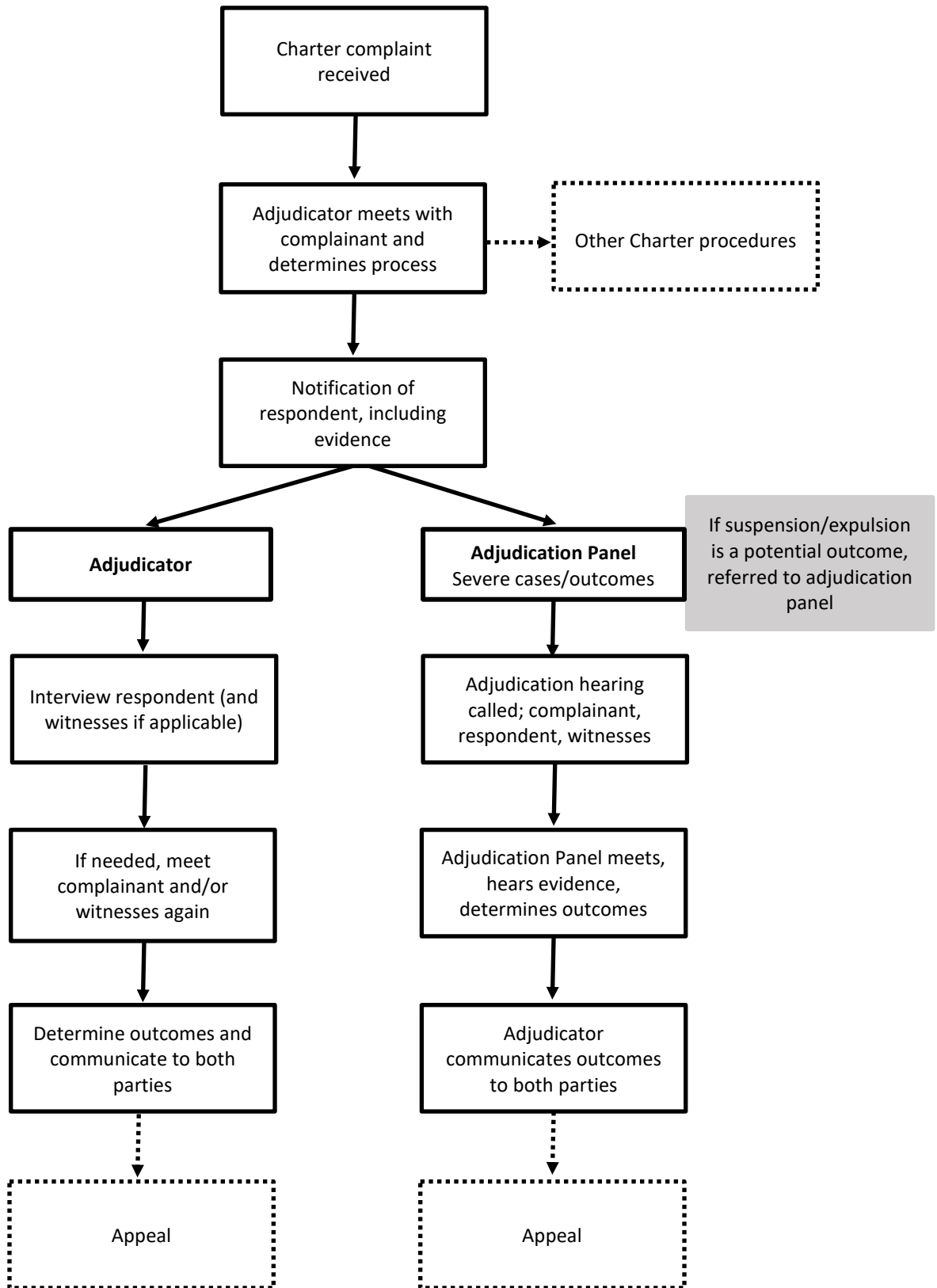
*Two of my friends were there and their description of what happened is included in this complaint.*

[Optional: desired outcome]

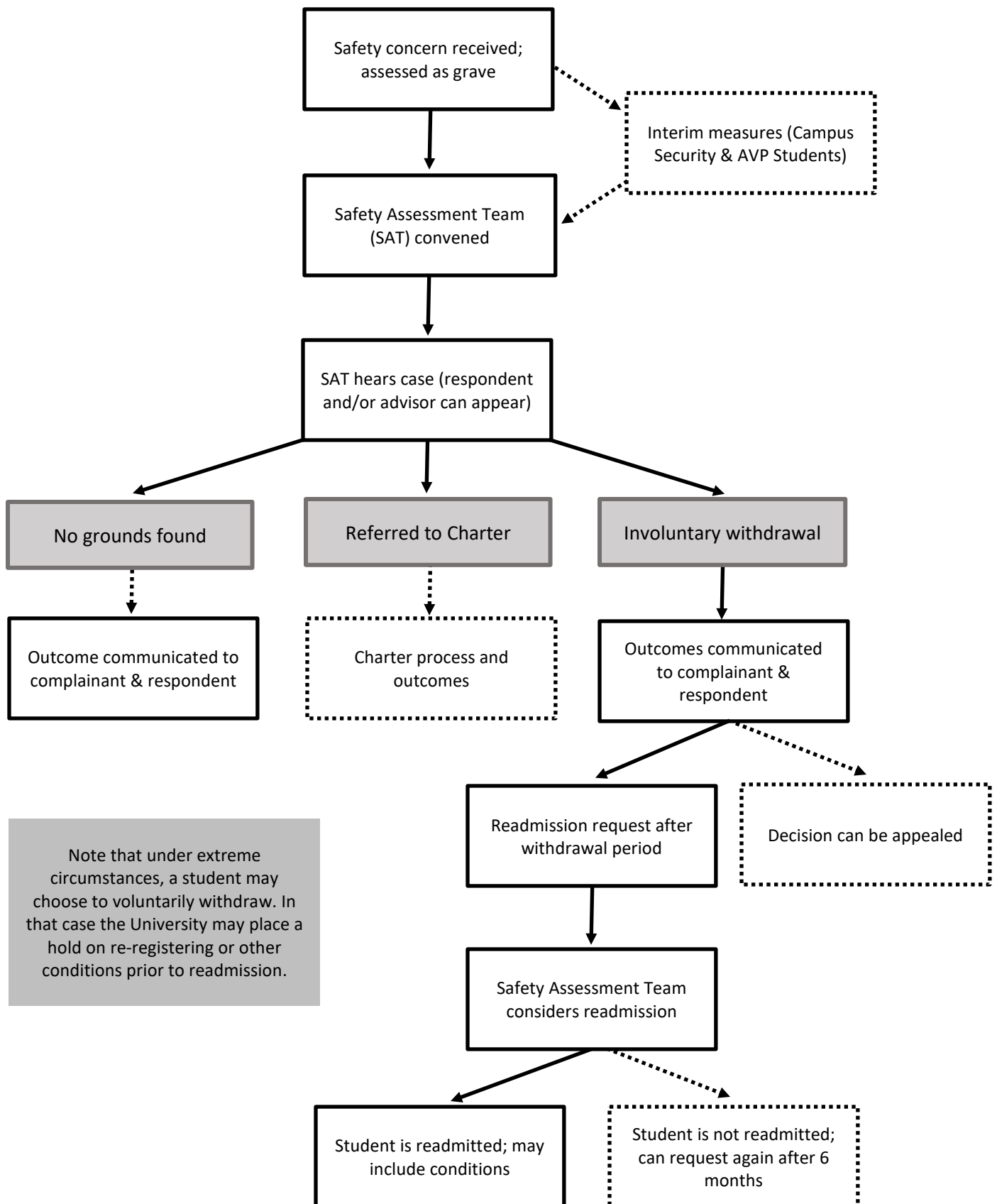
*I would like him to apologize and I also want to know that he won't do this again.*

*Sincerely, Jaye Student*

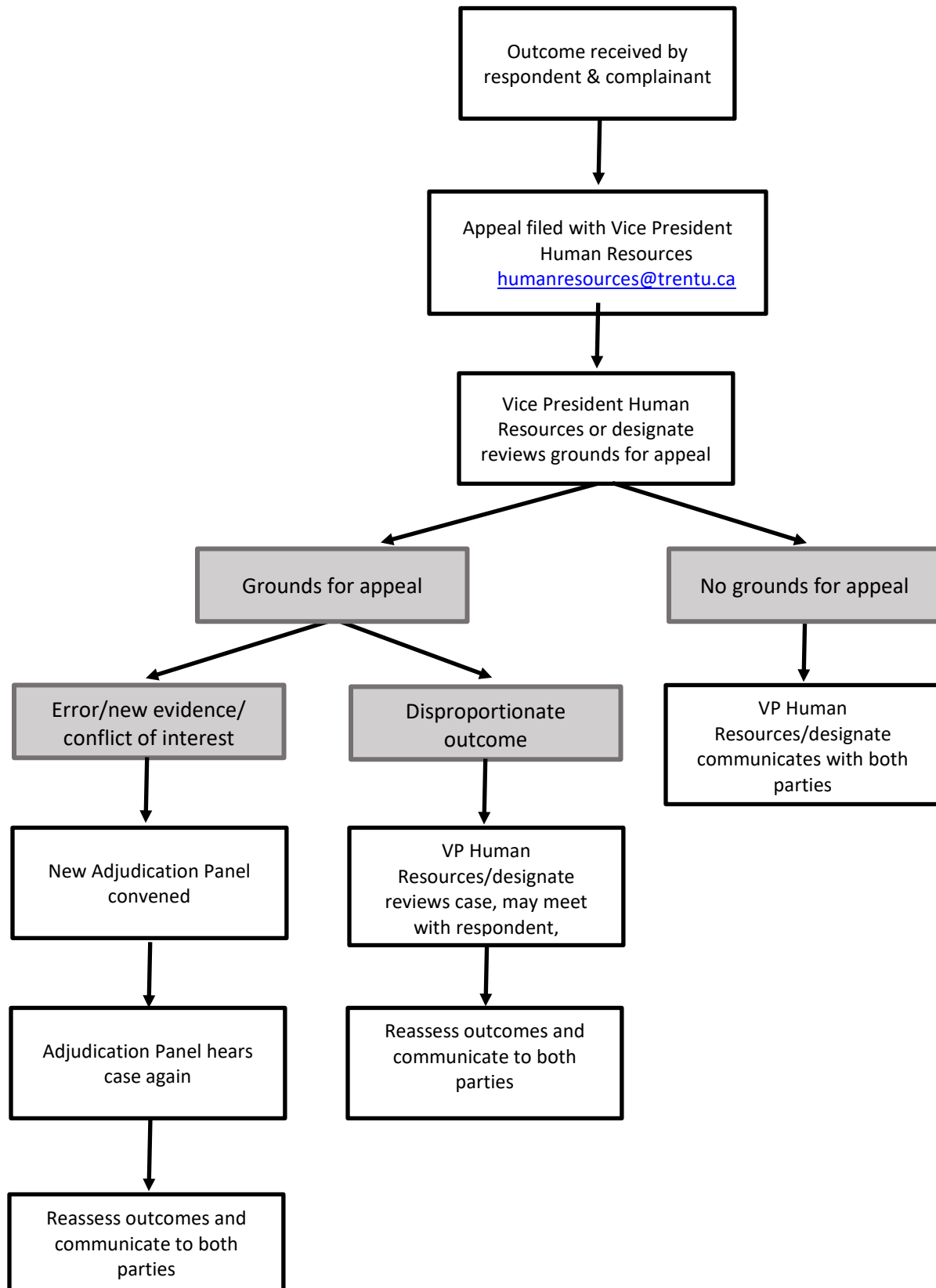
### D. Formal Adjudicated Process Chart



### E. Extreme Circumstances Process Chart



### F. Formal Appeals Process Chart



## G. Other Policies

Other policies that students should be aware of, and which, depending on the situation, may have bearing on this Charter or which may supersede it include:

- Academic Integrity Policy, Undergraduate and Graduate
- Accessibility Policy
- Accommodation of Students With Disabilities Policy
- Computing Code of Ethics, and Acceptable Use of Computers Policy
- Discrimination and Harassment Policy
- Employment Equity Policy
- Policy on Persons with Disabilities
- Residence Standards
- Sexual Violence Policy
- Violence and Harassment Policy and Procedures

These policies can all be viewed at <https://www.trentu.ca/secretariat/policies.php> and a brief explanation of these policies is available on the Office of Student Affairs website at <http://trentu.ca/studentaffairs/>

## H. Other Resources

**Other resources that students can access for advice and support include:**

Academic Advising	<a href="https://www.trentu.ca/advising/">https://www.trentu.ca/advising/</a>
Associate Vice President, Students	<a href="https://www.trentu.ca/studentaffairs/contact.php">https://www.trentu.ca/studentaffairs/contact.php</a>
Centre for Human Rights, Equity and Accessibility	<a href="http://www.trentu.ca/ohrea/">http://www.trentu.ca/ohrea/</a>

### **Peterborough Campus**

College Principals	<a href="https://www.trentu.ca/colleges/contact.php">https://www.trentu.ca/colleges/contact.php</a>
Counselling Centre	<a href="https://www.trentu.ca/counselling/">https://www.trentu.ca/counselling/</a>
First Peoples House of Learning	<a href="http://trentu.ca/fphl/">http://trentu.ca/fphl/</a>
Graduate Studies Office	<a href="https://www.trentu.ca/graduatestudies/">https://www.trentu.ca/graduatestudies/</a>
Housing Services	<a href="https://trentu.ca/housing/">https://trentu.ca/housing/</a>
Student Accessibility Services	<a href="https://www.trentu.ca/sas/">https://www.trentu.ca/sas/</a>
Trent Central Student Association	<a href="http://trentcentral.ca/index.php">http://trentcentral.ca/index.php</a>
Trent International	<a href="http://trentu.ca/tip/services/overview.php">http://trentu.ca/tip/services/overview.php</a>

### **Durham Campus**

Accessibility Services Advisor/Counsellor	<a href="https://www.trentu.ca/durham/about-trent/contact-us">https://www.trentu.ca/durham/about-trent/contact-us</a>
Manager of Student Affairs	<a href="https://www.trentu.ca/durham/about-trent/contact-us">https://www.trentu.ca/durham/about-trent/contact-us</a>
Student Support Services	<a href="https://www.trentu.ca/durham/student-life/student-support-services">https://www.trentu.ca/durham/student-life/student-support-services</a>
Trent Durham Student Association	<a href="http://www.mytdsa.ca/">http://www.mytdsa.ca/</a>