

POLICY AND PROCEDURE MANUAL

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7.1 CODE OF STUDENT RIGHTS AND RESPONSIBILITIES

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7.1.1 Introduction

The College is committed to the provision of high quality education and training, and seeks to ensure an environment of academic integrity in both the learning and evaluation processes taking place at the College. It is also committed to the establishment of an atmosphere of respect and appreciation for the rights and responsibilities of all those associated with the College.

The Code of Student Rights and Responsibilities (the Code) reflects the College's intention, not only to respect the rights of students, but also to require students to respect the rights of others and to observe College rules and regulations essential to the orderly operation of the College and the classroom. This includes compliance with all health and safety policies, procedures and protocols.

The Code of Student Rights and Responsibilities is intended to act as a guideline for students, staff, faculty, administrators, and the Board of Governors. It is not intended to be a legal contract between the students and the College, and it cannot override any collective agreement or other legally enforceable contract where there is a conflict. In the event of any procedures conflicting with the policies of the Board of Governors, the policies would prevail. These rights and responsibilities apply to all students engaging in educational pursuits offered by the College. From time to time, the College may make changes to the list of rights/privileges, at which point the document will be taken through the normal approval procedure.

Every student of the College is expected to review and make themselves familiar with the matters addressed in this Code. In addition, every student is responsible for reviewing various other policies and procedures relating to his/her enrolment at the College which can be found on the College's website. A list of such policies and procedures is contained in the Appendices to this Code. Every student is expected to adhere to these policies and to encourage other students to do the same.

7.1.2 Definitions

When used in this Code of Student Rights and Responsibilities:

Academic means those activities/behaviours and/or matters directly related to the instructional/learning process.

Academic integrity means a strict code of conduct at school, where one's behaviour demonstrates a commitment to six fundamental values: honesty, trust, fairness, respect, responsibility, and courage.

Academic misconduct means a violation of academic integrity, where a student gains an advantage in their schoolwork through dishonest behaviour.

Academic penalty means a punitive measure, resulting from an incident of academic misconduct.

Administrator means one or more of the managerial employees of the College who perform work of an administrative nature and as defined by the Terms and Conditions of Employment for Administrative Staff.

Campus Care Team (CCT) is a multi-disciplinary team which meets regularly to gather and coordinate information and to develop support plans to promote student health and well-being, a successful academic experience, and a safe campus environment.

Behaviours of Concern means behaviours that are worrisome, disruptive, intimidating, troublesome and/or threatening to others that may be presented through a student's appearance, spoken or written words, or specific actions.

Chair means an Administrator responsible for the operation of a School within the College and to whom faculty and staff within that School report. A Chair has the authority to assign a designate on their behalf.

Code means the Code of Student Rights and Responsibilities.

College means The St. Clair College of Applied Arts and Technology, its various properties and campuses, its Board of Governors, its agents and employees.

College Community means the collective of the Board of Governors, students, administrators, faculty members, support staff, contract workers, and agents.

College Employee means any person who works for or provides services to the College on a full- or part-time basis, whether belonging to a bargaining unit or not.

College Resolution Officer (CRO) means the staff member responsible for the complaint and resolution process for non-academic related issues. The College Resolution Officer has the authority to assign a designate to act on their behalf.

College Sponsored/Approved Event/Activity means any event/activity sponsored and/or approved by the College whether on or off campus.

Days means working days, which are Monday through Friday, except statutory holidays and when the College is officially closed by order of the President or by virtue of any governmental order or regulation.

Dean means the administrator responsible for the operation of a School or Schools within the College. A Dean has the authority to assign a designate on their behalf.

Faculty means one or more of the professors and instructors employed by the College to teach any course of study, or any counsellor or librarian, or any person falling within the definition of an academic employee, under the current Collective Bargaining Agreement.

Harassment means engaging in a course of vexatious comments or conduct directed toward an individual, or group of individuals, that is known or ought to be reasonably known to be unwelcomed or unwanted.

Hate speech means any type of speech that incites hatred, including violence, against a group of individuals based on a protected ground under the *Human Rights Code*, such as race, religion, sexual orientation, gender identity or gender expression.

Invigilator means a person appointed to supervise students/candidates during a test or examination.

Immediate Supervisor means immediate supervisor or a person appointed by the College President as their designate.

Member means a member of the College Community.

Non-Academic means those activities/behaviours and matters not directly related to the instructional/learning process.

Not in Good Standing means a student who has been issued a Behavioural Contract, a suspension, a dismissal and/or a no trespass notice by the College for violating one or several College policies [for example: The Code of Student Rights and Responsibilities and/or Sexual Violence Prevention and Reporting Policy] and who may not be eligible for academic awards and/or be employed/volunteer in a leadership capacity within the College.

Any behavioural misconduct by a student that results in a notice of disciplinary action by the College will automatically remove that student from a “Student in Good Standing” designation to a “Not in Good Standing” category. The “Not in Good Standing” status will be in effect until the end of the Academic term following a period of one full year from the date of the notice of disciplinary action to the student.

Official College Publication means those publications approved by the Board of Governors or the College President, and includes the following: College Calendar, College Admission/ Handbook, Continuing Education Calendar, and the Code of Student Rights and Responsibilities.

Personal Information means information about an identifiable individual, including: race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital or family status; educational, medical, psychiatric, psychological, criminal, employment history or financial transactions; identifying numbers such as Health Card, S.I.N., or student number, student home address or home telephone number; private correspondence; the individual’s name where it is linked to their personal information.

Proctor means an individual who is appointed to monitor students/candidates during a test/examination.

Recognized Student Organization means the student organizations recognized from time to time by the Board of Governors which include:

1. The Student Representative Council, Inc. (S.R.C.)
2. Thames Students Inc. (T.S.I.)
3. The Student Athletic Association (S.A.A.)

Rules and Regulations means such rules, regulations, policies or procedures as may be approved and published or communicated by the Board of Governors, the College President, or other College authority from time to time.

Senior College Administrator means the President, Vice Presidents and other administrators reporting directly to the President that have been designated as part as the “Senior Operations Group”.

Sexual Harassment means unsolicited or unwanted sexual advances, or requests for sexual

favours, unsolicited or unwanted verbal abuse or physical contact of a sexual nature, unwanted written or visual material of a sexual nature, including electronic materials.

Student means any person(s) registered in a course or program of study at the College, whether full-time or part-time or a person in the process of registering to become a student. (e.g.: participating in admissions testing; auditions, etc.)

Student Press means any publication published by a recognized student organization.

Student Repository means the College's information system that records and reports Code and other policy violations and penalties. The data gathered will assist the College in the development of strategies to reduce the number of complaints/incidences. The Campus Care Team can review items related to non-academic misconduct to enhance and build on early intervention strategies.

Support Person means another student or a member of the College community.

Support Staff means one or more of the College employees who perform work of a technical or support nature within the definition of the Support Staff Collective Bargaining Agreement.

Vice President means a Senior College Administrator reporting directly to the President and who is responsible for a specific area(s) of operation.

Violence means:

- a) The exercise of physical force by a person against another person that causes or could cause physical injury;
- b) An attempt to exercise physical force against a person that could cause physical injury;
- or
- c) A statement or behaviour that is reasonable to interpret as a threat to exercise physical force that could cause physical injury.

7.1.3 Student Rights

In common with all other individuals in Ontario, students enjoy rights under the *Human Rights Code of Ontario*, the *Canadian Charter of Rights and Freedoms* and the *Freedom of Information and Protection of Privacy Act*. Students have and may exercise their general rights as citizens, subject to the rules, regulations and discipline of the College. They also have the right to the enjoyment of a safe learning environment and fair treatment in accordance with the rules, regulations and discipline of the College. From time to time, the College may make changes to the list of rights/privileges, at which point the document will be taken through the normal approval procedure. Examples of student rights and privileges include, but may not be limited to:

Academic Appeal – The right to question and appeal, within other defined academic procedures, those matters affecting one's academic status, promotion and matters affecting graduation.

Academic Guidelines – The right to receive, in writing and in a timely manner, copies of academic information such as course outlines, course objectives, grading/evaluation systems including penalties, attendance policy, academic regulations, and a statement when major projects/exams/assignments are due. This includes the right to be informed, in advance, of any

substantial changes made to these items.

Access to Complaint/Appeal Processes – The right to file a complaint and/or the right to appeal a decision under the Code of Student Rights and Responsibilities, if a student feels that they have been unjustly treated regarding the application of a College policy or procedure or regarding the action(s) of fellow students or other members of the College community.

Accommodations – The College will provide supports and services to all students with disabilities, both temporary and permanent, with valid supporting documentation. Interim accommodation requests will be received in good faith and can be provided pending receipt of medical documentation. Retroactive accommodations will be considered based on the unique circumstances of the individual matter. The College will give all *Human Rights Code*-related requests for accommodation meaningful consideration. Students should contact Student Services for information regarding the accommodation process.

Application of College Policies and Procedures – The right that all College policies and procedures will be applied consistently by all College members.

Assembly – The right to organize and take part in orderly assemblies on campus, so long as such assemblies do not interfere with the regular activities of the College community and are not contrary to College rules and regulations. For clarity, no activity that creates an unsafe situation for others or constitutes harassment, hate speech or violence will be tolerated. As well, encampments are strictly prohibited.

Freedom to Publish – The right to publish and distribute views on campus, either personally or through the student press, free from censorship but subject to the law, standards of responsible journalism and the reasonable requirements of good taste. Publications that constitute harassment, a threat or hate speech are not allowed.

Freedom of Speech – The right to express themselves on any subject, without hindrance or fear of reprisal, subject to the laws of defamation and to the reasonable requirements of discipline, except where the exercise of such rights interfere with the rights of others. Speech that constitutes harassment, a threat or hate speech is not allowed.

Impartial Grading – The right to be objectively graded on academic performance and to be protected by established procedures against prejudice or unreasonable evaluation. This includes the right to request a re-evaluation of those factors used to determine the grade, in accordance with College procedures.

Information and Procedures – The right to request and receive, in a timely manner, information and advice that will help the student become more knowledgeable about College programs, courses, services and activities. This includes, but is not limited to, the following:

- a) To know the approximate College-related expenses to be incurred by the student during the term/semester/year;
- b) To be informed of the office hours of one's faculty and/or their absence and/or the office hours of other employees responsible for providing services and activities;
- c) To be able to, within a specified time period and for reasonable cause, and in accordance with College procedures, change a course or transfer to a different section, if available, after classes have begun;

- d) To obtain one's marks/transcripts/credentials within the deadlines and procedures established by the College;
- e) To have the opportunity to obtain or review one's submitted and evaluated assignments, tests, exams and projects;
- f) To add information to one's official record disputing material of a negative nature.

Inquiry and Access – The right to request and receive any approved College rule, regulation, policy, procedure or guideline regarding College programs, courses, activities, and services, as well as information regarding the consequences of breaking such rules, regulations, policies, procedures or guidelines. This includes the right to make, without fear of reprisal, a responsible complaint to the appropriate College authority.

Invited Speakers – The right to attend, and hear without fear of reprisal or interruption, presentations by speakers invited to speak on College property, on the condition that no speaker shall be invited to speak on College property without the prior and written approval of authorities designated by the President.

Issue Resolution – The right to obtain information on enforcing student rights and to expect resolution of legitimate concerns in a timely, effective and professional manner.

Learning Environment – The right to a safe learning environment and to be free from any and all discrimination and/or harassment, including sexual harassment.

Organizations – The right to form, elect, join and take part in any lawful group or organization, whether recognized or not, for the purpose of organizing, sponsoring, maintaining and administering the common interests of that group, subject to College rules and regulations.

Privacy of Records and Release of Information – The right to the privacy of one's official records and the right to personally examine such records, including the right to challenge the accuracy or presence of any entry on one's records and the right to be notified, in writing, of adverse information being placed in one's file. The right to expect that personal information will not be released to anyone, without the prior written consent of the individual concerned or unless required under the *Freedom of Information and Protection of Privacy Act* and/or legal procedures, and that any disclosure will comply with the appropriate provision(s) of the Act.

Representation – The right to make personal representation(s) to any College decision-maker, or decision-making body, regarding any aspect of one's rights or status, according to established College procedures.

Security of Person and Property – The right to be secure against unreasonable search or seizure. This includes the right to be free from harassment.

Soliciting Money – The right to solicit money on campus for purposes approved by the College, in accordance with College regulations and procedures, and subject to law.

Use of Facilities – The right to apply for the use of College facilities and, upon approval, the obligation to abide by such regulations as may be laid down (including the payment of fees or expenses, which may include a Performance bond), so long as designated College facilities are not required for College purposes and are generally available.

7.1.4 Student Responsibilities

The College recognizes that the privilege of pursuing an education includes the responsibility of all members of the College community to maintain high standards of conduct. The College shall treat students as adults who are capable of and responsible for conducting their affairs with courtesy and proper regard for the rights of others and of the College community. The College expects that students will conduct themselves honourably and maturely in pursuit of their academic goals and, at the least, in accordance with federal, provincial and municipal laws and with College rules and regulations. The following list of responsibilities is not exhaustive but reflects the general categories of responsibilities.

The College expects that students will be responsible for such things as:

1. Obtaining information concerning course outlines, content, evaluation methods, methodology, academic standing regulations and graduation requirements;
2. Obtaining information and the procedures to be followed in the case of rescheduling or replacement of classes;
3. Respecting other people's health, safety and right to security;
4. Communicating with faculty, counselors and staff in order to resolve problems. The student is responsible for obtaining faculty and staff schedules;
5. Observing requirements concerning attendance, punctuality and appropriate behaviour;
6. Submitting assignments within the required deadlines. If unable to do so, seeking faculty approval to make alternate arrangements;
7. Being aware of educational activities and services available to assist them in orientation to the College, academic achievement, general growth and development;
8. Participating in meetings and correspondence when requested. Failure to do so does not negate any process noted in the Code;
9. Complying with regulations and procedures regarding the use of College materials, equipment, and services and following College rules and guidelines;
10. Respecting College property and the rights of others to access College property and College activities;
11. Complying with College/Departmental Health and Safety policies and guidelines;
12. Respecting the right of the College and of the faculty members to determine the course content, instructional methodology, evaluation procedures, and the frequency of evaluation within the guidelines set for the course and approved by the academic department;
13. Respecting faculty's right to set deadlines for assigned work, to expect assignments to be submitted at the times specified and to establish penalties for failure to comply with deadlines;

14. Respecting faculty's right to expect assignments to be neatly presented with appropriate identification and in accordance with the course requirements;
15. Respecting the principles of academic integrity and being aware of what constitutes academic misconduct;
16. Writing tests and examinations at the time(s) scheduled, adhering to the established procedures when writing examinations, and complying with the Examination Policy;
17. Assuming responsibility for course work and assignments missed when absent. Participation in co-curricular activities, athletic events, field trips, student exchanges, etc. does not reduce academic responsibility;
18. Respecting faculty's right to have appropriate classroom deportment. Should a student be disruptive or disrespectful, faculty have the right and obligation to exclude the student from the teaching area;
19. Students are prohibited from bringing a child or other guest into the classroom or other areas used for student learning or study (e.g. Library), except in cases where an approved accommodation pursuant to the *Human Rights Code* has been granted;
20. Respecting the rights of all members of the College community;
21. International students understanding that the College does not provide advice or counsel on work permits, study permits, co-op permits, etc. Students are responsible to visit the IRRC website for additional information regarding such matters.
<https://www.canada.ca/en/immigration-refugees-citizenship.html>

NON-ACADEMIC MISCONDUCT

7.1.5 Offences, Penalties, Complaint Process & Appeal

The College reserves the right to investigate allegations of misconduct if brought forward by a third party, including the media or anonymous sources. The College reserves the right to inform/notify the police of serious non-academic misconduct that have reached the threshold of criminal allegations.

Note: The College will not always inform the police of less serious criminal allegations (eg. petty theft), nor will the College inform the police of allegations of sexual misconduct/violence without the permission of the Complainant unless it is believed that the safety and security of other members of the College community could be at risk.

Students and staff are obligated to cooperate with investigations within the scope/mandate of the CRO and/or the Chair/Dean.

Any one of the following activities is considered an offence against the Code, and the student is subject to appropriate penalties and disciplinary procedures if in violation of the Code. The list of offences is not exhaustive but reflects the general categories of offences:

7.1.5.1 General Misconduct

Offences include:

1. Convictions of any federal, provincial or municipal law, so far as they are relevant to this Code;
2. Breach of approved College policies, procedures, rules, or regulations that are in effect;
3. Knowingly aiding or assisting another person(s) in the commission of any offence on campus or at any College-sponsored/approved activity on or off campus.

Abuse, Harassment, Dangerous Activity

Verbal or Physical Abuse. No student shall threaten or cause any other person to fear verbal or physical abuse on College premises or at College-sponsored activities/functions off campus.

Harassment. No student shall engage in a course of vexatious comments or conduct directed toward an individual, or group of individuals, that is known or ought to be reasonably known to be unwelcomed or unwanted.

Sexual Harassment. No student shall sexually harass another person, on College premises, or at College-sponsored activities/functions off campus.

Violence. No student shall, on College property, or at College-sponsored/approved functions off campus, individually or with a group, including picketing or a rally:

1. Use words, gestures or acts in a manner that causes or threatens violence or abuse to any group or individual;
2. Use words, gestures or act in a manner, in a situation of clear and imminent danger, which may incite others to behave in a way which violates the Code or general law;
3. Knowingly create a condition that endangers or threatens the health, safety, or well-being of other persons or impairs the freedom of any person;
4. Bring on College property or to any College-sponsored/approved activity any explosives (including fireworks), firearms, other weapons or imitations of weapons.

Violation of Health and Safety Policies. No student shall violate any College Health and Safety Policies, procedures and guidelines [including violation regarding required PPE (personal protective equipment)]. Students who have violated College or program specific Health and Safety policies (example PPE in labs or shops) will be subject to non-academic penalties.

Disruption of Instructional Activities. No student shall exhibit behaviours/actions that interfere with others' fundamental right to learn in classes, laboratories, clinical settings, field placements, seminars, tutorials, group meetings, or other related activities, including examinations and tests. Complaints of this nature are to be submitted to the Chair/Dean of the student's program.

Disruption or Obstruction of Regular or Organized College Activities. No student shall disrupt or obstruct any regular or organized College activities/functions, including public service

functions and other authorized activities on College property or at College-sponsored/approved activities off campus.

Communications. No student shall:

1. Fail to obey the lawful instructions or comply with the directions of a College employee, or person acting on behalf of the College, while that employee or person is acting in the proper performance of their duty;
2. Refuse to provide identification upon reasonable request and justification by a College official, employee or person acting in the proper performance of their duty (e.g Campus Security).
3. Engage in conduct in any form that is, or would reasonably be seen to be, humiliating or demeaning to another person or coerce, entice or incite a person to commit an act that is, or is reasonably seen to be, humiliating or demeaning to that person or to others, including but not limited to social media or texting.
4. Use information and communication technologies such as e-mail, cell phone, text messages, instant messaging, personal Web sites, social networking sites, or online personal polling Web sites, to engage in or support harassing or hostile behaviour by an individual or group, or that is intended or has the potential to harm others (e.g. cyber- bullying).

Unauthorized or Illegal Substances. No student shall, on College property or at a College-sponsored activity/function off campus:

1. Possess, use, or distribute or assist in the use, sale, or distribution of any illegal or unauthorized narcotic, substance, drug or article;
2. Possess, sell, or distribute or assist in the sale or distribution of any alcoholic beverage in unlicensed areas and without prior College permission;
3. Possess or use firearms, weapons, imitations of weapons, explosives (including fireworks), dangerous chemicals, or other potentially harmful substances, on College property or at College-sponsored functions or activities off campus, without prior College permission;
4. Impair the instructional process or cause a safety problem to themselves or others, by the consumption of any alcoholic beverage, or the use of any illegal narcotics or drug, or any unlawful substance.
5. St. Clair College is an educational institution and as such, recreational cannabis must not be used while on College Property. Cannabis shall not be sold, grown, shared, traded or distributed on Campus Property by any individual or entity whether legal or otherwise. Many placements/articulation agreements require some form of drug testing. It is incumbent on the student to ensure that they are able to meet the drug testing requirements set out. If the student fails the drug testing, their placement opportunity will be jeopardized. (Refer to Policy 3.15 – Smoking, Alcohol and Substance Policy)

Theft, Damage or Destruction of Property. No student shall, on or off College property:

1. Misappropriate, convert, move without authority, destroy, deface or otherwise damage College property or any property of any other person while participating in College sanctioned/approved activities/events.
2. Possess College property, or property of any member of the College community, without the written consent or authority of the College or the affected person;
3. Enter or remain on College property for purposes other than those within the mandate of the College.

Fraud or Misuse of College Facilities, Equipment, Materials, Services and Resources.

No student shall:

1. Forge, alter, or use College documents, records, or instruments with intent to defraud;
2. Misuse the College name or the name of any College employee, document, record, instrument or identification with or without the intent to defraud;
3. Obtain any College equipment, material, or service by fraudulent means or by providing false information;
4. Use any College facility, equipment, material, or service contrary to College authority, policy, regulation, or procedure;
5. Remove books or other resource material from a College area without proper authorization; mutilate or deface library books or materials; purposely misplace books or materials which may deprive other members of the College of the opportunity to have access to such resources;
6. Violate the Computing, Network and Communications Resources Acceptable Use Policy, by:
 - a) **Engaging in unauthorized access (hacking).** This may include using unauthorized user names, passwords, computer addresses, or identities, or modifying assigned network settings to gain access to computer resources and/or data, or otherwise attempting to evade, disable or “crack” security provisions of College or external systems.
 - b) **Engaging in vandalism of data.** Deliberate alteration or destruction of computer files is a Criminal Code offence (Section 430[1.1]) and will be prosecuted. Under no circumstances may a user inspect, alter, delete, publish or otherwise tamper with files or file structures that the individual is not authorized to access.
 - c) **Interfering with other users’ work.** This includes use of any process that causes a user to be deprived of services or resources that they would normally expect to have available. It covers, but is not limited to the creation of “spam” and the introduction of viruses or chain letters.
 - d) **Squandering computing, network, and communications resources.** Resources are shared and no user may degrade the systems by the use of unwarranted data space, time and bandwidth consumption through resource-intensive programs, unattended network connections, and/or lengthy print jobs.

- e) **Sharing their account.** The College's computing resources are allocated to groups and individuals for specific academic and administrative purposes. It is not acceptable to give, sell, or otherwise provide computing resources to individuals or groups that do not have explicit permission to use them from the College authority.
- f) **Utilizing the College computer system for commercial purposes.** The College system(s) may not be used to sell or promote products or services for personal gain. This includes uses such as distribution of advertising materials, the offering of network information or services for sale, and private enterprises.
- g) **Committing a breach of copyright.** This includes installing, reproducing, and/or distributing copyrighted materials such as proprietary software, publications, or files without permission. College software is provided under license agreements with various vendors and may not be copied or otherwise removed.
- h) **Importing or distributing offensive material.** Materials not subject to legal sanction may be objectionable or repugnant to persons other than the computer user. Importation or distribution of such material (including, but not limited to, racist material, hate/violent, sexist slurs, or pornography) requires an underlying academic or educational purpose.
- i) **Promoting a hostile atmosphere.** The display of sexually explicit or violent images in public spaces and/or the initiation of unsolicited communication with sexual content may also contravene the College's Respectful Work and Educational Place Policy.
- j) **Sending harassing or defamatory material by electronic means.** Harassing or defamatory material, including hate speech, may not be sent by electronic means, including email and voice mail or posted to news groups.

7.1.5.2 Penalties

Non-Academic Misconduct as outlined in this Code may result in disciplinary action through one or a combination of College, civil, or criminal proceedings. A student who has been found in violation of the Code shall be subject to a penalty, or penalties, depending on the offence. Some cases may warrant more than one penalty and previous College misconduct may be taken into account in determining penalties.

A record of any penalty, or other documentation, that has been issued as a result of Non-Academic Misconduct by a student may form part of the student's record and may render a student "Not In Good Standing" in accordance with the Student Overall Standing Policy (Policy #1.5.6.).

When an offence occurs, the incident will be entered into the **Student Repository**. In addition, any one or more of the following penalties may be issued:

1. **Official Warning.** A notice to the student, verbally or in writing, that the student has violated a specific section of the Code and that continuation or repetition of such violation will be cause for further disciplinary action.
2. **Reprimand.** A written letter of reprimand to the student for a specific breach of the Code

that will serve as notice for more severe disciplinary action if there is another breach of the Code.

3. **Care Plan.** A supportive intervention tool used by the CCT to outline the student's expected actions and behaviour after the behaviour(s) of concern have been reviewed. The plan is designed to promote the overall well-being of the student and College community.
4. **Behavioural Contract.** A student may be placed on a behavioural contract that may specify specific terms and/or expectations including, but not limited to: mandatory counselling; exclusion from specific areas of the College; exclusion from College events; and conditions such as a prohibition against consumption of alcohol on campus or the requirement for permission from a specific administrator prior to attending special College functions on or off campus (field trips or non-academic functions, for example, etc.).

In appropriate circumstances, the College Resolution Officer, with the approval of a Senior Manager, may include in such Behavioural Contract a condition that the student obtain an assessment by a professional in a designated field of practice confirming his/her fitness to attend College prior to returning to College functions or services, including but not limited to residence and academic programming.

5. **Probation.** In addition to a warning, reprimand and/or behavioural contract, a student may be placed on probation for a stated period with specific conditions, a breach of which may result in suspension or dismissal.
6. **Restitution.** Restitution may be ordered in addition to other penalties where the misconduct involves damage to or misappropriation of property of the College or others. Restitution may be by way of personal service in order to repair or otherwise compensate for physical damage. If the student is ordered to provide restitution, the College may withhold grades, transcripts, certificates and diplomas, and may refuse subsequent registration until all terms of the restitution have been satisfied (see also Revocation/Withholding a College Credential and/or Academic Credit).
7. **Exclusion.** This involves immediate exclusion from a particular part of the College, (i.e. classes, labs, rooms, or buildings) or part of a program of study for a specific period of time.
8. **Revocation/Withholding a College Credential and/or Academic Credit.** These penalties may be invoked in instances of non-payment of a fee or other monies due the College, failure to return College equipment, or failure to provide full restitution, etc.
9. **Immediate Interim Suspension:** In addition to any other action or penalty specified herein, the College Resolution Officer or a Senior Administrator may suspend a student if the safety of other persons or the possibility of further damage to College persons or property is in question or if the continued presence of the student(s) would be disruptive to College activities. In such a case, the issue of Interim Suspension shall be reviewed within two (2) days and the College Resolution Officer or their designate shall either revoke or confirm the Interim Suspension while the investigation into the behaviour is being conducted and pending outcome of the final investigation.
10. **Suspension.** This involves suspension from the College for a stated period. The suspension may include conditions that must be met before the suspension is lifted.

11. **Full Suspension.** This involves suspension from the College and/or classes/labs or instruction and other specified privileges or activities for a definite period of time not to exceed one year.

12. **Dismissal.** This involves the permanent dismissal of the student from the College. The penalty may contain provisions for a specific period of time and readmission as specified by the College.

7.1.5.3 Penalties and Issuing Authority

Non-Academic Misconduct	
Penalties	Issuing Authority
Official Warning	College Resolution Officer or Administrator in conjunction with the CRO
Reprimand	College Resolution Officer or Administrator in conjunction with the CRO
Behavioural Contract	College Resolution Officer or Administrator in conjunction with the CRO
Probation	College Resolution Officer or Administrator in conjunction with the CRO
Restitution	College Resolution Officer or Administrator in conjunction with the CRO
Exclusion	College Resolution Officer or Administrator in conjunction with the CRO
Revocation/Withholding College Credential and/or Academic Credit	Administrator
Immediate Interim Suspension	College Resolution Officer, Senior Administrator or their delegate.
Suspension	College Resolution Officer, Senior Administrator or their delegate.
Full Suspension	Senior Administrator
Dismissal	Senior Administrator

Disruption of Instructional Activity	
Penalty (See non-academic penalties)	Issuing Authority
Official Warning	Faculty member or Administrator
Reprimand	Program Chair/Dean or his/her Supervisor
Behavioural Contract	Program Chair/Dean or his/her Supervisor
Probation	Program Chair/Dean or his/her Supervisor
Restitution	Program Chair/Dean or his/her Supervisor

Exclusion	Program Chair/Dean or his/her Supervisor
Revocation/Withholding College Credential and/or Academic Credit	Administrator
Suspension	Associate Vice President Academic, Senior Administrator
Full Suspension	Senior Administrator
Dismissal	Senior Administrator

7.1.5.4 Complaint Process Introduction

Any member of the College community who believes that there has been a contravention of this Code may file a complaint against the student who has allegedly committed the offence.

Any student who perceives that a right or privilege under this Code has been infringed or that they have been unjustly treated regarding the application of a College policy or procedure, or regarding the action of a College employee, may file a complaint. Where the misconduct falls within the scope of the Sexual Misconduct Policy or the Sexual Violence Prevention and Reporting Policy, the student will be directed to file a complaint in accordance with that policy, as applicable.

In any case where a security report is generated, the College may initiate immediate action under the Code of Student Rights and Responsibilities, notwithstanding that no formal complaint has been made.

Limitation: The College reserves the right to decline the pursuit of a complaint in situations where the incident occurred off campus and/or the matter is being investigated by the Police. Such decisions will be presented to the Complainant in writing.

Note: Concerns or complaints relating to the quality of the learning environment, including issues regarding quality of instruction, physical facilities, other learning resources, or student services should be brought forward under the process set out in the College's Quality Learning Environment Policy.

Complaints of misconduct, incompetence, discrimination, or other inappropriate behaviour on the part of College employees will be dealt with in accordance with applicable laws, College Policies and Procedures, and the principles of progressive discipline under current collective agreements and/or other legally enforceable contracts. **Complaints of sexual misconduct on the part of College employees fall within the scope of the Sexual Misconduct Policy.**

Attempt to resolve complaint: Any student or other member who has a complaint should first attempt to resolve the complaint with the individual involved on an informal basis within fifteen (15) days of the incident. In cases where the student is uncomfortable addressing the issue directly with the individual, they may have another member of the College community accompany them. In serious matters involving a College staff member, the student may attempt to resolve the issue informally through the individual's immediate Supervisor.

The complaint process is overseen by College staff, none of whom are legal experts. Care has been taken to build into the Code elements of natural justice while providing for the relatively speedy and effective resolution of complaints. Provision is made for appeals of decisions made.

While the College reserves the right to impose penalties it deems necessary in cases of misconduct, a student has the right to be heard by the decision-maker before any final decision affecting the student is made. If disciplinary action is being considered against a student, the student shall be provided with full particulars of the alleged offence and any relevant documents so as to enable the student to fully answer to any allegations of misconduct. The student will further be advised of where and when to present their side of the matter.

At any meeting, a student may be accompanied by another student or member of the College community as support.

The role of the support person is to act as a resource and to provide support or advice to the student. The support person is not to speak or advocate on behalf of the student.

Students and witnesses are expected to keep information discussed confidential except where otherwise required by law to disclose any such information. Breaches of confidentiality may result in disciplinary action.

Although punitive measures may be taken, efforts will be made to provide for penalties that are educative and developmental in nature.

7.1.5.5 Complaint Process

1. A Conduct Complaint Form is embedded in the Policy which is available at the Registrar's Office, Security Desk, Student Services, Student Government Offices and online at <https://www.stclaircollege.ca/st-clair-space>

Note: A security report involving alleged misconduct may initiate the application of the Code of Student Rights and Responsibilities. In this case, the security report replaces the Conduct Complaint Form and the College maintains the role of the "Complainant".

2. **Three Month Time Limitation:** All complaints must be initiated within three months of the completion of the semester in which the incident occurred. In extenuating circumstances a complaint filed beyond the three month limitation may be considered at the sole discretion of the College.
3. The College Resolution Officer (or, in the case of Disruption of Instructional Activity, the Chair/Dean) will contact the complainant to acknowledge receipt of the complaint within one (1) business day where such complaint raises an issue of health and/or safety or within three (3) days in any other case.
4. Unless the College Resolution Officer (or Chair/Dean) determines that the complaint can be resolved to the satisfaction of the complainant without notice to the person against whom the complaint has been made (the respondent), the College Resolution Officer will promptly advise such respondent of the complaint, providing all necessary particulars to enable them to fully respond to the complainant.
5. The College Resolution Officer (or Chair/Dean) will further advise the respondent of the time period in which the respondent's written Response Form shall be provided.

Note: Where the safety or well-being of the complainant is believed to be at risk if their identity is disclosed, the College will, at its discretion, keep such identifying information confidential to the extent possible.

6. The College Resolution Officer (or Chair/Dean) shall whenever possible commence an investigation within five (5) days of receipt of the complaint, which investigation may include interviews with the complainant, the respondent and witnesses, and a review of any documentary evidence. Both the complainant and respondent will be given an opportunity to state their respective cases with regard to the complaint. The College Resolution Officer (or Chair/Dean) will conclude such investigation as expeditiously as possible. Every attempt will be made to resolve the complaint at this level.

Note: During the academic examination period, the College Resolution Officer may delay the process in accordance with their discretion.

At the conclusion of the investigation, the College Resolution Officer (or Chair/Dean) may:

- a) Dismiss the complaint; OR
- b) Issue a penalty within the College Resolution Officer's (or Chair's/Dean's) jurisdiction as provided in the Code; OR
- c) Refer the matter (including a copy of the investigation report and recommendations) to a Senior Administrator.

In cases involving College staff, the College Resolution Officer will forward the investigation report to the Vice President, Human Resources, Safety and Facilities Management. The Vice President, will be responsible for any follow up action(s) if required.

7. The College Resolution Officer or designate shall notify all parties of the disposition of the complaint, in writing, within three (3) days of the completion of the investigation.
8. Where a complaint is referred to a Senior Administrator, the Senior Administrator will notify the parties of the disposition of the complaint, in writing, within ten (10) days of receipt of report.

7.1.5.6 Appeal Process

Stage One

1. For the purposes of this process, the burden of proof shall be on the balance of probabilities, meaning that an event occurred if the Adjudicator is satisfied, on the evidence, that the occurrence of event was more likely than not.
2. Any complainant or respondent who disagrees with the disposition of a non-academic misconduct complaint, at the conclusion of the complaint process, may appeal the decision, in writing, no later than five (5) business days from the time the complainant and/or the respondent were notified of the decision.
3. The appellant shall complete a Complaint Appeal Form and forward it to the Registrar's Office for delivery to the Executive Director, Program and Degree Accountability (hereinafter referred to as the

Adjudicator). This can be done electronically by way of email addressed to the Registrar. Upon receipt of the Complaint Appeal Form the Registrar shall acknowledge receipt of the appeal form and forward same to the Adjudicator.

4. The Adjudicator shall acknowledge receipt of the Complaint Appeal Form within three (3) days and commence a Stage 1 investigation of the appeal within five (5) days. The investigation shall be completed as soon as possible.
5. At a Stage 1 investigation, the Adjudicator conducts a summary review of the initial investigation and findings of the College Resolution Officer (hereinafter referred to as the CRO). It is not a new investigation of the allegations. It has the following purpose:
 - a) to ensure the initial allegations were investigated fairly and impartially;
 - b) to ensure that findings of fact were supported by the evidence;
 - c) to ensure College policy, protocol and guidelines were correctly interpreted and applied;
 - d) to allow for consideration of any new evidence not previously presented to the CRO;
6. As part of the investigation the Adjudicator shall:
 - a) obtain all evidence gathered by the CRO in the initial investigation of the complaint;
 - b) provide the complainant and the respondent the opportunity to provide additional written evidence and/or submissions within appropriate timelines established by the Adjudicator;
 - c) provide the complainant and the respondent with a redacted copy of any evidence or submissions filed as part of the Stage 1 appeal process and provide a reasonable time for a response;
 - d) obtain additional security reports from the College with respect to any report not included in the evidence package provided by the CRO;
 - e) allow the Human Resources, Safety and Facilities Management Sector of the College to update any information previously provided should they wish to do so prior to the Stage 1 decision;
7. All evidence and submissions provided by any party to the appeal shall be in writing and may be forwarded electronically to the Adjudicator.
8. Once the process for gathering all evidence and submissions is complete, the Adjudicator shall decide, on the balance of probabilities, the facts upon which the decision at Stage 1 will be based on.
9. The Adjudicator shall also examine all College policies, protocols and guidelines that relate to the issues identified at Stage 1 of the appeal process.
10. Based upon the findings of fact made by the Adjudicator and the application of the policies, protocols and guidelines that relate to those facts, the Adjudicator shall determine, if on the balance of probabilities, non-academic misconduct, as defined in s. 7.1.5.1 has occurred. As part of this process, the Adjudicator shall determine if there are any procedural irregularities that are material to the appeal. Procedural irregularities that deprive either side of the appeal to natural justice can affect the outcome of the appeal and the Adjudicator has the discretion to determine those issues and their impact on the appeal as required.
11. If the Adjudicator finds that non-academic misconduct occurred and that procedural irregularities are either non-existent or immaterial, the Adjudicator shall determine if the penalty imposed following investigation of the complaint is fair and reasonable. Where the initial investigation failed to identify non-academic misconduct and did not impose a penalty, the Adjudicator shall determine and impose a fair and reasonable penalty. In determining what is fair and reasonable the Adjudicator shall examine:
 - a) all College policies, protocols and guidelines that relate to penalty;
 - b) the severity of the conduct;
 - c) the presence of mitigating factors;
 - d) the presence of aggravating factors;
 - e) previous findings of misconduct;

- f) the precedent set by other comparable examples within the College community.
- 12. The Adjudicator shall be bound by the precedent of previously decided decisions of the Conduct Appeal Committee on similar cases.
- 13. The Adjudicator shall also be bound by the principles of natural justice throughout all aspects of the Stage 1 appeal process.
- 14. Upon completion of the Stage 1 appeal process, the Adjudicator shall provide a written decision setting out all findings of fact, the final decision of the Adjudicator and supporting reasons, to the President, the Vice President, Human Resources, Safety and Facilities Management, CRO, complainant and respondent. The decision may be provided by way of email.
- 15. The Adjudicator shall also advise all parties of the right to proceed to Stage 2 of the appeal process should they so desire.
- 16. If the appellant or respondent or the College is dissatisfied with the appeal decision, either party may within five (5) business days of receipt of the decision of the Adjudicator, submit a request for Stage 2 Mediation/Conduct Appeal Hearing. In the event that notification of the Stage 1 decision was sent by email, all parties are presumed to have received the email on the day upon which the decision was sent to them by the Adjudicator.
- 17. If the appellant or respondent wishes to proceed to Stage 2, he/she may indicate that by sending an email requesting same to the Vice President, Human Resources, Safety and Facilities Management.
- 18. If the College wishes to proceed to Stage 2 the Vice President, Human Resources, Safety and Facilities Management shall forward an email to the appellant and respondent advising of the intention to proceed to Stage 2 of the appeal process.
- 19. All Stage 1 appeal decisions shall be kept and stored by the Adjudicator for a period of two years following release of each decision. After the two year period, each decision shall be confidentially disposed of.

Stage Two

- 1. Upon receipt of the Complaint Appeal Form completed at Stage One, Senior Administrator shall appoint a mediator, if the parties agree to participate in mediation, with such mediation to take place within five (5) days of the appointment of the mediator or as soon as possible thereafter.

If mediation is rejected or if mediation is not an option, the Senior Administrator shall convene, within a further period of ten (10) days, a Conduct Appeal Committee, which shall meet within ten (10) days of its appointment and receipt of the Appeal Form. The Terms of Reference for the Conduct Appeal Committee are attached in the Appendices. The Conduct Appeal Committee must exclude the original decision-maker and the 1st Appeal decision-maker.

- 2. The Conduct Appeal Committee will convene a hearing within five (5) days of the establishment of the Committee provided, however, that the Chair may extend the time for the convening of the hearing in such circumstances as they deem appropriate. The Chair of the Committee will provide the President with the Committee's recommendation(s) in writing within two (2) days after the conclusion of the hearing.

Stage Three

- 1. The President will review the recommendation(s) of the Committee and will make a final judgment on the appeal. The decision of the President shall be final and there shall be no further appeal within College policies and procedures.

2. The President will notify the appellant, of the decision with reasons and in writing, within five (5) days of the receipt of the Conduct Appeal Committee's recommendation(s).
3. The notification will include a statement to the effect that the decision is final and there is no further appeal within College policies and procedures.

ACADEMIC MISCONDUCT

7.1.6. Offences, Penalties, Academic Misconduct Database, Integrity Workshops, Complaints and Appeals

Academic misconduct is an act which may result in a false evaluation of the student's academic standing, or which represents an attempt to unfairly gain an academic advantage, where the person knew or ought reasonably to have known that it was misconduct.

Whether or not a student intended to commit academic misconduct is not relevant for a finding of academic misconduct. Students are responsible for verifying the academic integrity of their work before submitting it.

7.1.6.1 Offences

Academic misconduct includes, but is not limited to, the following:

1. **Plagiarism:** the act of copying, reproducing or paraphrasing, in whole or in part, someone else's published or unpublished material (from any source, including the Internet) and representing these works or ideas as one's own. Plagiarism applies to all forms of work presented or submitted for academic evaluation including, but not limited to, any written work, computer programming, music, drawings, designs, dance, photography, and other artistic and technical works.
2. **Cheating (Unauthorized External Assistance):** receiving external assistance in relation to an examination, assignment, or any other academic exercise for credit, unless expressly permitted by the instructor. Cheating includes, but is not limited to:
 - a. Communicating with any person during an examination other than an authorized member (i.e. invigilator, proctor);
 - b. Putting one's name on another student's examination or assignment;
 - c. Unauthorized use or possession of cell phones, cameras, text messages, audio recorders, electronic data, calculators, solution materials, photocopies, materials from previous classes, commercial research services, notes or any other means to copy or photograph materials used or intended for academic evaluation;
 - d. Improperly obtaining (through theft, bribery, collusion or other means) information in relation to materials/examinations intended for use in academic evaluation;
 - e. Distributing or using improperly obtained information in relation to materials/examinations intended for use in academic evaluation in advance of its authorized availability to students.
3. **Unauthorized Collaboration:** working with others on graded coursework assigned for individual evaluation, including in-class and take-home examinations or assignments, unless expressly permitted by the instructor. Unauthorized collaboration includes, but is not limited to:
 - a. The preparation and production of work between two or more students ultimately

submitted by each in an identical or substantially similar form and/or is represented by each to be the product of his or her individual efforts;

- b. Co-operation between student and another person in the preparation and production of work, which is presented as the student's own.
4. **Misappropriation of Own Work:** submitting the same work, or a significant part thereof, which was submitted elsewhere or previously in another course or the same course (when repeating a course), unless permission is received in advance from the instructor; or submitting the same work, or a significant part thereof, for two or more courses taken at the same time without the written permission, in advance, of all associated instructors. Misappropriation of own work is not limited to work done in relation to courses at College and applies to student's work previously submitted or concurrently submitted for academic credit at any educational institution.
 5. **Falsifying Information:** misrepresenting or falsifying information for inclusion in any course work submitted for credit, or misrepresenting or falsifying information used to obtain advantage in academic standing. This includes, but is not limited to:
 - a. Inventing or altering data from a laboratory or field project;
 - b. Creating fictional citations for a paper;
 - c. Falsifying, misrepresenting or forging information relating to hours or activities in relation to an internship, externship, field experience, co-op placement, clinical activity or similar activity;
 - d. Falsifying, misrepresenting or forging an academic record;
 - e. Falsifying, misrepresenting or forging a supporting document or information in relation to academic standing, including but not limited to any information used in support of admission into the course or program, pre-requisite requirements, prior learning assessments or academic standing;
 - f. Falsifying, misrepresenting or forging documents used in support of a request for accommodation/consideration on the basis of medical, religious or compassionate grounds;
 - g. Altering previously graded work for purpose of seeking re-evaluation of grade or in support of a grade appeal.
 6. **Academic Dishonesty:** providing dishonest information to instructor or other college official for the purpose of receiving opportunity for resubmission of work, late submission of work or in relation to request for deferred test or examination; or, providing dishonest information to instructor or other college official for reconsideration of an academic penalty related to an incident of academic misconduct.
 7. **Attempting to Influence:** attempting to influence or change any academic evaluation, assignment or academic record for reasons having no relevance to academic achievement. This includes, but is not limited to, bribery and threats.
 8. **Impersonation:** acting or attempting to act as a substitute for another (whether in person or

electronically) or using or attempting to use a substitute (whether in person or electronically) in an academic evaluation or assignment.

9. **Contract Cheating:** submission of student work completed by a third party on their behalf and may involve a payment to the third party.
10. **Facilitating Academic Misconduct:** facilitating any of the above-listed forms of academic misconduct.

7.1.6.2 Penalties

While the College reserves the right to impose penalties it deems necessary in cases of misconduct the student shall be provided with a Notice of Academic Misconduct with particulars of the alleged offence so as to enable the student to fully answer to any allegations before a finding of Academic Penalty is made.

A record of any penalty, or other documentation that has been issued, as a result of Academic Misconduct will not impact a student's transcript but may impact their overall standing.

Although punitive measures may be taken, efforts will be made to provide for penalties that are educative and developmental in nature.

Academic Penalties: faculty may impose an academic penalty following the determination of academic misconduct in relation to the submission/evaluation of course-related work. Academic penalties may include:

1. **Warning.** Warnings must be entered into the Academic Misconduct Database and provide notice to the student indicating that the student has violated a specific section of the Code; warnings do not include a mark/grade deduction but indicate that continuation or repetition of such violation, or other incident of academic misconduct, will be cause for further disciplinary action.
2. **Resubmission of Assignment.** This involves either the same or an alternate assignment, with the grade assigned at the discretion of the faculty member.
3. **Mark Penalty.** A partial or full mark deduction on the assessment with no opportunity to resubmit.
4. **Grade Penalty.** Grade deduction (drop in grade point) of the final grade in the course.
5. **Failing Grade.** Registration of an "F" grade in the course.

Administrative Penalties for Academic Misconduct: In addition to any academic penalty imposed by faculty, Academic Administrators (Chairs/Deans, and Senior Administrators) may take further disciplinary action for violation of the Code.

Academic Administrators may impose a Grade Penalty or a Failing Grade Penalty.

The Vice President Academic or designate, in consultation with the Chair/Dean, may impose the following Academic Misconduct Administrative Penalties:

6. **Interim Suspension.** This involves the suspension from the College for a stated period of

no more than the end of the current semester in which the student is enrolled. This penalty will only be issued by the Chair/Dean or their Supervisor(s) on the recommendation of the Program Chair/Dean and the staff member involved in investigating the violation of the Code.

7. **Revocation/Withholding a College Credential and/or Academic Credit.** A penalty may be invoked when a College credential and/or academic credit has been improperly obtained.
8. **Full Suspension.** This involves suspension from the College and/or classes/labs or instruction, and other specified privileges or activities for a definite period of time not to exceed one year.

Dismissal from the College. For not less than one full academic year a student may be dismissed for egregious acts of academic misconduct, repeated violations or other aggravating factors in relation to Academic Misconduct.

7.1.6.3 Academic Misconduct Database

Academic and Administrative Penalties for Academic Misconduct, including warnings, are entered into an Academic Misconduct Database. The Academic Misconduct Database is an internal college mechanism. Penalties for Academic Misconduct are not part of the student's official transcript, even in cases where the student fails the course.

7.1.6.4 Integrity Workshops

Except in egregious circumstances, a first-instance case of academic misconduct, where a student recognizes their mistake and takes responsibility for their actions, should be treated as a learning opportunity to take corrective action. Academic Integrity Workshops are designed help students avoid further instances of academic misconduct. Academic Integrity Workshops are intended to be educative, not punitive.

All students who receive a first-instance academic penalty for academic misconduct shall be required to complete an Academic Integrity Workshop. In cases where a student receives a subsequent academic penalty for academic misconduct of a different type, the student may be required to complete additional academic integrity training, as appropriate. A student who is required to participate in an Academic Integrity Workshop must complete the workshop no later than the end of the semester in which the academic penalty was imposed, or in the case of a penalty entered at the end of the semester, no later than the start of the following semester.

Confirmation of student's participation in the workshop shall be verified and recorded and shall be a condition for continued student status at the College. Failure of a student to complete an imposed workshop may result in administrative penalties.

7.1.6.5 Penalties and Issuing Authority

Academic Misconduct Issuing Authority		
Penalty	Academic Penalty	Administrative Penalty
Warning	Faculty member or invigilator	N/A
Resubmission of Assignment	Faculty member	N/A
Mark Penalty/Deduction	Faculty member or admissions testing official	N/A
Grade Penalty/Deduction	Faculty member	Academic Administrator
Failing Grade in Course	Faculty member	Academic Administrator
Interim Suspension (for no more than the end of the current semester)	N/A	Vice President Academic
Revocation/Withholding College Credential and/or Academic Credit	N/A	Vice President Academic
Full Suspension	N/A	Vice President Academic
Dismissal (not less than one full academic year)	N/A	Vice President Academic

7.1.6.6 Complaint Process Introduction

While most academic misconduct is related to a specific course, members of the College Community such as the Registrar, faculty, other than those teaching a specific course, invigilators, students and staff, may suspect that academic misconduct has occurred. They should report their concern to the most appropriate Chair/Dean.

7.1.6.7 Complaint Process

1. **Notification and Opportunity to Respond:** A faculty member who has basis to impose an academic penalty for academic misconduct shall enter the incident in the Academic Misconduct Database, including particulars and penalty to be imposed (warning, resubmission of work, partial or full mark deduction, grade deduction or failing grade in the course).
2. A Notification of Academic Misconduct will be issued to the student's College email address and the student will be provided with the opportunity to respond to the faculty member's complaint within five (5) days of notification. Based on any additional information received in response by the student, the faculty member will have opportunity to alter or de-activate the complaint on the

Academic Integrity Database within 10 days of original issuance of Notification of Academic Misconduct.

Subject to any resolution that is made within the ten (10) day period, or if the student does not avail themselves to the opportunity to respond to the faculty member, a finding of Academic Misconduct will be made after ten (10) days have lapsed from original notice and Notification of Academic Penalty will be sent to the student's College email address and to the student's Program Chair/Dean.

3. **Right to Drop Course Suspended:** A student who is the subject of a complaint process for Academic Misconduct is prohibited from dropping the course before the matter is resolved. If the complaint is dropped, any right by the student to drop the course continues. If there is a finding of Academic Misconduct, the student loses the right to drop the course. A drop from the course after this point may be reversed.
4. **Review for Administrative Penalty:** Following receipt of Notification of Academic Penalty, the Chair/Dean shall review the complaint, along with any other relevant information, including any record of prior offences. The Chair/Dean may:
 - a. Decide no further action is warranted; or
 - b. Impose an Administrative Penalty for academic misconduct as set out in the Code, including grade deduction or failing grade in the course; or
 - c. Refer the matter to the Vice President Academic for further Administrative Penalty as set out in the Code.

Academic Administrators shall create a new entry for an Administrative Penalty, with reference to the Academic Penalty, in the Academic Misconduct Database.

5. A student has the right to appeal an academic or administrative penalty to the Academic Misconduct Appeal Panel within five (5) days of Notification of penalty.

7.1.6.8 Appeals

The purpose of this appeal process is to provide students with access to a respectful, thorough, judicious, impartial and timely review of an imposed academic or administrative penalty.

St. Clair College and its faculty are committed to quality academic decision-making and to ensuring that the decision to impose an academic or administrative penalty is based on appropriate considerations. Academic decisions should be based on impartially assessed evidence and these decisions must be free of bias, prejudice, unfairness or other inappropriate personal influences.

The appeal process following Notification of Academic Penalty or Administrative Penalty (Penalty Notifications) is as follows:

Appeal Process

1. The issuance of the Notification of Academic Penalty or Notification of Administrative Penalty shall constitute notification for the purpose of Appeal timelines.

2. Any student who receives a Penalty Notification may appeal the decision by submitting a Notice of Appeal of Academic Misconduct Form to the Centre for Academic Excellence (CAE) within five (5) days from the time the Penalty Notification is sent to the offending student's College email account. A student who does not file a Notice of Appeal within five (5) days of Notification loses their right to appeal. Any extensions are at the discretion of the Executive Director of the CAE.
3. A hearing before the Academic Misconduct Appeal Panel shall be set within five (5) days of receipt of Notice of Appeal. The Chair of the Academic Misconduct Appeal Panel may extend the time for the convening of the hearing in such circumstances as he /she deems appropriate. The Chair of the Panel will provide the Executive Director of the CAE with the Panel's decision in writing within three (3) days after the conclusion of the hearing.
4. The Executive Director of the CAE will notify the appellant of the decision with reasons, in writing, within two (2) days of the receipt of the Academic Misconduct Appeal Panel's decision.

The notification will include a statement to the effect that the decision is final and there is no further appeal within College policies and procedures.

7.1.7 Appendices

Student Related Policies and Procedures

Below is a list of many of the referenced documents in the Code of Student Rights and Responsibilities. As indicated in page one of the Code of Student Rights and Responsibilities, every student of the College is expected to review and make him/herself familiar with the following policies and procedures.

St. Clair College policies and reference material can be found by clicking the links available at <http://www.stclaircollege.ca/stclairspace/> or specific policies related to your program can be obtained from the Chair/Dean of the program area:

- Quality Learning Environment Policy
- Workplace Violence Prevention and Reporting Program
- College Handbook
- College Admissions
- Health and Safety Policies and Procedures
- Academic Grade Appeal Policy
- College Materials, Equipment, and Services Guidelines and Rules
- Computing, Network and Communications Resources Acceptable Use Policy
- College/Departmental Health and Safety Policies and Guidelines
- Student Overall Standing Policy
- Course Guidelines
- Respectful Work and Educational Place Policy
- Sexual Misconduct Policy (employee to student)
- Sexual Misconduct Policy (student to student)

- Exam Policy
- Accommodation Policy

Many of the other governing rules, laws and acts can be found at the links sited:

- Ontario Human Rights Code - <http://www.ohrc.on.ca/en/resources/code>
- Charter of Rights and Freedoms - <http://www.efc.ca/pages/law/charter/charter.text.html>
- Freedom of Information and Protection of Privacy Act -
http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90f31_e.htm
- Federal, Provincial and Municipal laws, including the Ministry of Training, Colleges and Universities Act - <https://www.ontario.ca/laws/statute/90m19>
- Criminal Code of Canada - <http://laws.justice.gc.ca/en/C-46/>

7.1.7.1 Formal Conduct Complaint Form

FORMAL CONDUCT COMPLAINT FORM

The attached Formal Complaint Form is to be used when filing a complaint under the Code of Student Rights and Responsibilities:

This policy and accompanying procedure deals with a wide variety of complaints that may arise from a breach of any student right or responsibility under to Code. This can include harassment, disruptive behaviour, cheating, etc. This procedure pertains to complaints that involve students of the College. The Code can be found on the College's internet site.

Please submit forms to:

Non-Academic Complaints under the **Code of Student Rights and Responsibilities** should be submitted to Ms. Beth Pirouet, College Resolution Officer.

Academic Complaints under the Code of Student Rights and Responsibilities should be submitted to the Chair/Dean of the program in which the student is enrolled or to the Department Supervisor in cases dealing with persons in the process of becoming a student.

If unable to locate any of the above individuals, you may drop the form off with Security and they will ensure that the appropriate individual receives the complaint form.

NOTE: If the complaint pertains to sexual violence or misconduct, please refer to the Sexual Violence Prevention and Reporting Policy or Sexual Misconduct Policy, as applicable.

FORMAL CONDUCT COMPLAINT

(To be completed by Complainant, when informal process is unsatisfactory) PLEASE PRINT

PAGE ONE (INFORMATION IS DISCLOSED TO RESPONDENT IN MOST CASES)

COMPLAINANT

(Please check one)

- Student
- Administrator
- Faculty Member
- Support Staff
- Other

Last Name

First Name

Middle Name

Department/Location

Program

DESCRIPTION OF COMPLAINT (In your own words please indicate the details of your complaint. Please be as specific as possible. *If you would like to provide a more detailed description, please attach extra pages to this form.* Provide copies of any documentation, which may be relevant to the issues of this complaint. List the documents provided.

Date(s) and Time(s) of Incident: _____

Location: _____

Section(s) of Policy allegedly violated: _____

Name(s) of alleged offender: _____

Is alleged offender? (check one) Student Administrator Faculty Member Support Staff

Other: _____

Incident Description (Include events leading up to incident, actions taken to date, follow-up, etc.):

Note: If additional space is required please attach the documentation to this form.

FORMAL CONDUCT COMPLAINT

PAGE TWO (INFORMATION NOT DISCLOSED IN MOST CASES)

Complainant Information:

Name: _____ Student Number (if applicable): _____

Address: _____

Telephone: (business) _____ (residence) _____

Email: _____

Department & Location: _____

What are you seeking in order to resolve this complaint?

Witnesses to the events of this complaint:

Please identify, in order of importance, anyone that you feel would provide helpful information to assist the investigation of this complaint

Name: _____ Telephone: _____

Name: _____ Telephone: _____

Name: _____ Telephone: _____

This document and any attachments to it that you provide in the course of filing a complaint will be held in confidence by St. Clair College. Page one of this complaint form and its attachments will be disclosed to the respondent named in the complaint and to the investigator, adjudicators, mediators and/or the local Police appointed to assist with the resolution of this complaint, as outlined in the policy procedures. **Privileged information, such as the complainant’s requirements to resolve the complaint and list of witnesses, provided on page two of this complaint form will not be disclosed to the respondent.** Information gathered under this policy may be required to be disclosed under the **Ontario Human Rights Code or other legal proceedings.** **Your signature confirms that you have been made aware of and give permission for the above use of this information.**

I hereby declare that the information on this form is true, correct and complete to be best of my knowledge. I understand that any misrepresentation of information may result in disciplinary action.

SIGNATURE: _____
(Complainant) _____ (Date)

OFFICE USE ONLY

Received by _____

Date: _____

Copies to: _____

Date: _____

7.1.7.2 Formal Conduct Complaint Response Form

Respondent's Response Form

PAGE ONE – INFORMATION NOT DISCLOSED TO THE COMPLAINANT

Name:	Student Number (if applicable):
Address: Street:	
Province/Postal Code:	Email:
Telephone: (business)	Telephone: (residence)
Position held/work location:	
<p>Witnesses to the events of this complaint: Please identify, in order of importance, anyone that you feel would provide helpful information to assist the investigation of this complaint</p> <p>Name: _____ Telephone: _____</p> <p>Name: _____ Telephone: _____</p> <p>Name: _____ Telephone: _____</p> <p>Name: _____ Telephone: _____</p> <p>Signature: _____ Date: _____</p>	

Questionnaire received by:	Date: PLEASE DATE STAMP UPON RECEIPT
----------------------------	--

Respondent's Response Form

PAGE TWO – INFORMATION DISCLOSED TO COMPLAINANT IN MOST CASES

Respondent's Name: _____

Position/Location: _____

RESPONSE TO ALLEGATIONS

With reference to the enclosed complaint, provide a detailed response to the allegations. In responding please refer and respond to each allegation separately. The information that you provide should be as specific as possible with respect to dates, times, places, documents and persons involved.

(You may attach additional pages if there is not enough room on this form.)

Please describe any actions that you have taken to try to resolve this matter:

Provide copies of any documentation, which may be relevant to the issues of this case as referred to in the complaint or in your response. Please list the documents provided with comments where applicable.

This document and any attachments to it that you provide in the course of responding to this complaint will be held in confidence by St. Clair College. Page 2 of this form and its attachments will be disclosed to the complainant and to the investigator, adjudicators and mediators appointed to assist with the resolution of this complain as outlined in the policy procedures. Privileged information, such as the list of *witnesses*, provided on

page 1 of this form will not be disclosed to the complainant. Your signature confirms that you have been made aware of and give permission for the above use of this information.

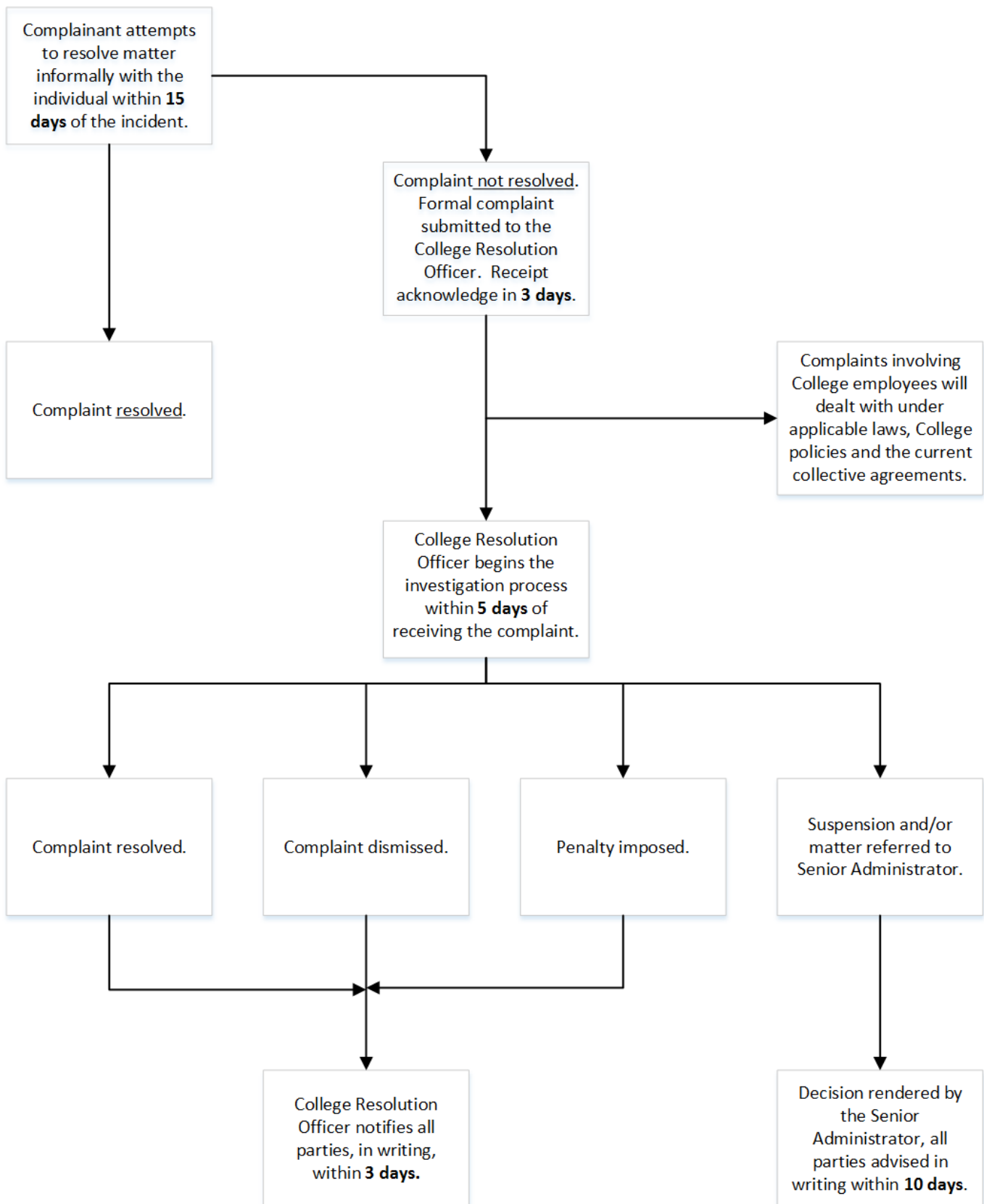
Signature: _____ **Date:** _____

Information gathered under this policy may be required to be disclosed under the Ontario Human Rights Code or other legal proceedings.

NOTIFICATION

Date Complainant and Respondent(s) notified of Complaint Disposition: _____

7.1.7.3 Complaint Process Schematic (Non-Academic Complaints)



7.1.7.3 Complaint Appeal Form (Non-Academic Misconduct)



**Code of Student Rights and Responsibilities
Non-Academic Misconduct Appeal**

In accordance with of the Code of Student Rights and Responsibilities (The Code), “Any complainant or respondent who disagrees with the disposition of their complaint at the conclusion of the complaint process, or disagrees with any disciplinary penalty assessed, may appeal the decision, in writing no later than five (5) days from the time the complainant and/or respondent were notified of the decision.”

Please complete the information below and forward the completed document to the Registrar’s Office - mdeschutter@stclaircollege.ca. Appellants are encouraged to read Section 7.1.5.6 of the Code to fully understand how Non-Academic Misconduct Appeals are addressed by the College.

For Academic Grade Appeals please see the Academic Grade Appeal Policy

Appellant Name:		Student #: (If applicable)	
College Email:		Phone:	
Address:			

Please provide a brief description of the initial complaint, what and whose decision is being appealed and why you believe the decision/penalty is unjust? *(Indicate below)*

Briefly outline the remedy requested. *(Indicate below)*

I acknowledge that the statements I have made above are accurate and true.

Date:	
-------	--

7.1.7.4 Terms of Reference of Conduct Appeal Committee (Non Academic Misconduct)

TERMS OF REFERENCE OF CONDUCT APPEAL COMMITTEE

Notice of Conduct Appeal Committee Hearing. A Senior Administrator shall give Notice of the Appeal Hearing to the complainant and the respondent within ten (10) days of the receipt of the request for Stage Two Appeal. The Notice shall include the following:

1. a statement of the time, place and purpose of the Hearing;
2. a statement that if the party notified does not attend the Hearing, the Conduct Appeal Committee Hearing may proceed in his/her absence.

Conduct Appeal Committee. The Conduct Appeal Committee shall consist of five (5) members as follows:

1. two (2) students appointed by the President of the S.R.C., or the T.S.I. as the case may be;
2. for academic appeals only: one (1) faculty member appointed by the faculty union;
3. (a) for academic appeals: two (2) members, one of whom shall be a faculty member from a department not related to the Appeal, designated by a Senior Administrator

(b) for non-academic appeals: three (3) members designated by the Senior Vice-President College Operations.

Representation. The following persons have the right to make representation before the Conduct Appeal Committee:

1. the College Resolution Officer, and counsel or agent for the College;
2. the respondent(s) and his or her counsel or agent;
3. the complainant(s) and his or her counsel or agent.

Conduct of Appeal Hearing. The Appeal Hearing shall be open to the public except where the Committee is of the opinion that:

1. matters involving College security may be disclosed; or,
2. where intimate, financial, personal or other matters may be disclosed that could harm or unduly jeopardize either the complainant(s) or the respondent(s); or
3. where both the complainant(s) and the respondent(s) so request.

Timeframe. The Conduct Appeal Committee shall convene a hearing within five (5) days of its

appointment or such further time that the Chairman may deem appropriate.

Evidence. In hearing the Stage Two Appeal, the Conduct Appeal Committee may consider the evidence received from the Stage One Appeal and may hear additional evidence. No person who has given or supplied evidence with regard to the decision/complaint being appealed shall be a member of the Appeal Committee.

Examination of Witnesses. An authorized party to the hearing may:

1. call and examine witnesses and present arguments and submissions;
2. conduct cross-examination of witnesses reasonably required for a full and fair disclosure of the facts in relation to which they have given evidence.

The Conduct Appeal Committee may address questions to any witness and may limit the number of witnesses to be heard.

Absence. Where notice of an Appeal Hearing has been given to a party to the Hearing, and the party or his/her agent or representative does not attend the Hearing, the Conduct Appeal Committee may proceed in his/her absence unless previous arrangements have been made.

Chair. The Conduct Appeal Committee shall choose a Chair from among its members.

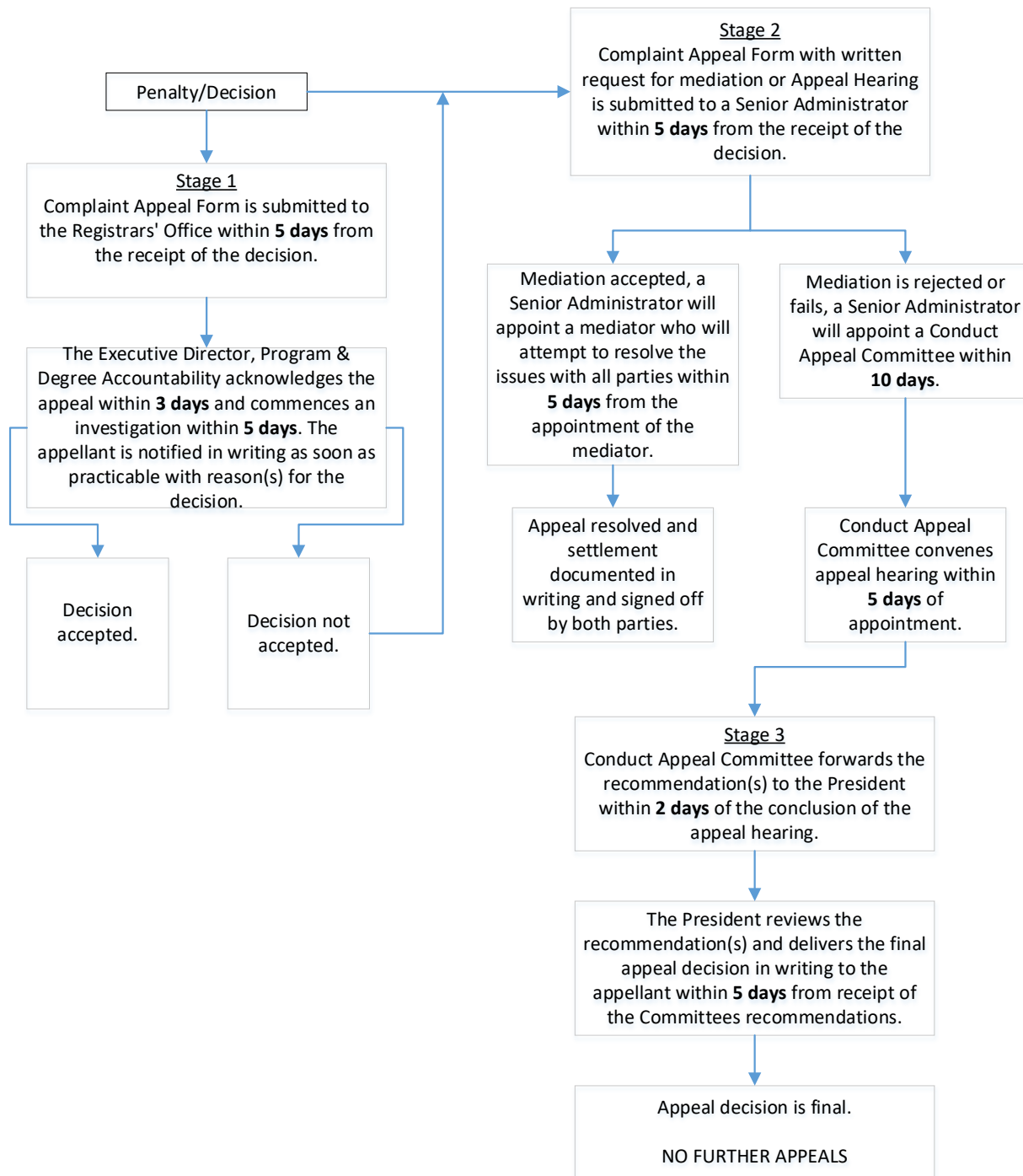
Voting. All members shall have and shall exercise one vote on any matters brought before the Committee and no member shall be permitted to abstain. The decision of the majority shall be the decision of the Committee.

Attendance. If an Appeal Hearing is adjourned, the same members must attend any subsequent Hearing(s) on the same matter.

Recommendation(s) of Conduct Appeal Committee. The Conduct Appeal Committee will deliver its recommendation(s), with reasons and in writing, to the President within two (2) working days after the conclusion of the hearing.

Final Decision – President. The President will review the recommendation(s) of the Conduct Appeal Committee and will make a final decision on the appeal. He/she will communicate the decision, in writing, to the appellant/respondent within five (5) days of the receipt of the recommendation(s) of the Conduct Appeal Committee, including a statement to the effect that the decision is final.

Complaint Appeal Process Schematic (Non-Academic)



7.1.7.5 Terms of Reference of Academic Misconduct Appeal Panel

Academic Misconduct Appeal Panel. The Misconduct Appeal Panel shall consist of three (3) members as follows:

1. One (1) student appointed by the President of the S.R.C. or the T.S.I. as the case may be
2. One (1) faculty member from a department not related to the Appeal
3. One (1) College Administrator from a department not related to the Appeal, designated by the Executive Director of the CAE, and who shall be Chair of the Panel.

Representation. The following persons have the right to make representation before the Academic Misconduct Appeal Panel:

1. the Appellant and their counsel or agent
2. the issuing faculty member and/or administrator

Conduct of Appeal Hearing. To protect the privacy of the Appellant, the hearing is closed to the public.

Examination of Witnesses. An authorized party to the hearing may:

1. call and examine witnesses and present arguments and submissions
2. conduct cross-examination of witnesses reasonably required for a full and fair disclosure of the facts in relation to which they have given evidence

The Academic Misconduct Appeal Panel may address questions to any witness and may limit the number of witnesses to be heard.

Absence. Where notice of an Academic Appeal Hearing has been given to a party to the Hearing, and the party or their agent or representative does not attend the Hearing, the Academic Misconduct Appeal Panel may proceed in their absence unless previous arrangements have been made.

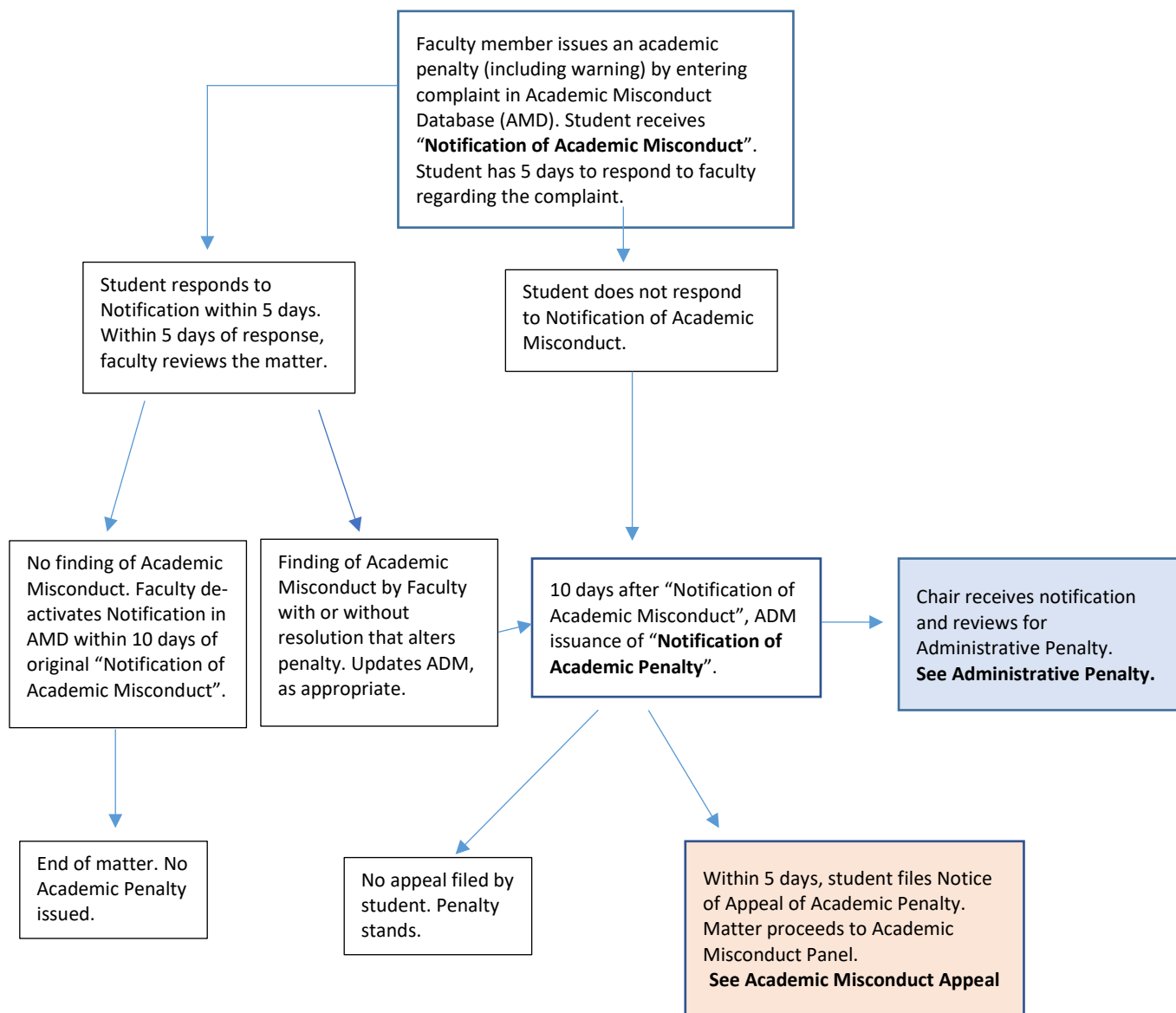
Voting. All members shall have and shall exercise one vote on any matters brought before the Panel and no member shall be permitted to abstain. The decision of the majority shall be the decision of the Panel.

Attendance. If an Appeal Hearing is adjourned, the same members must attend any subsequent hearing(s) on the same matter.

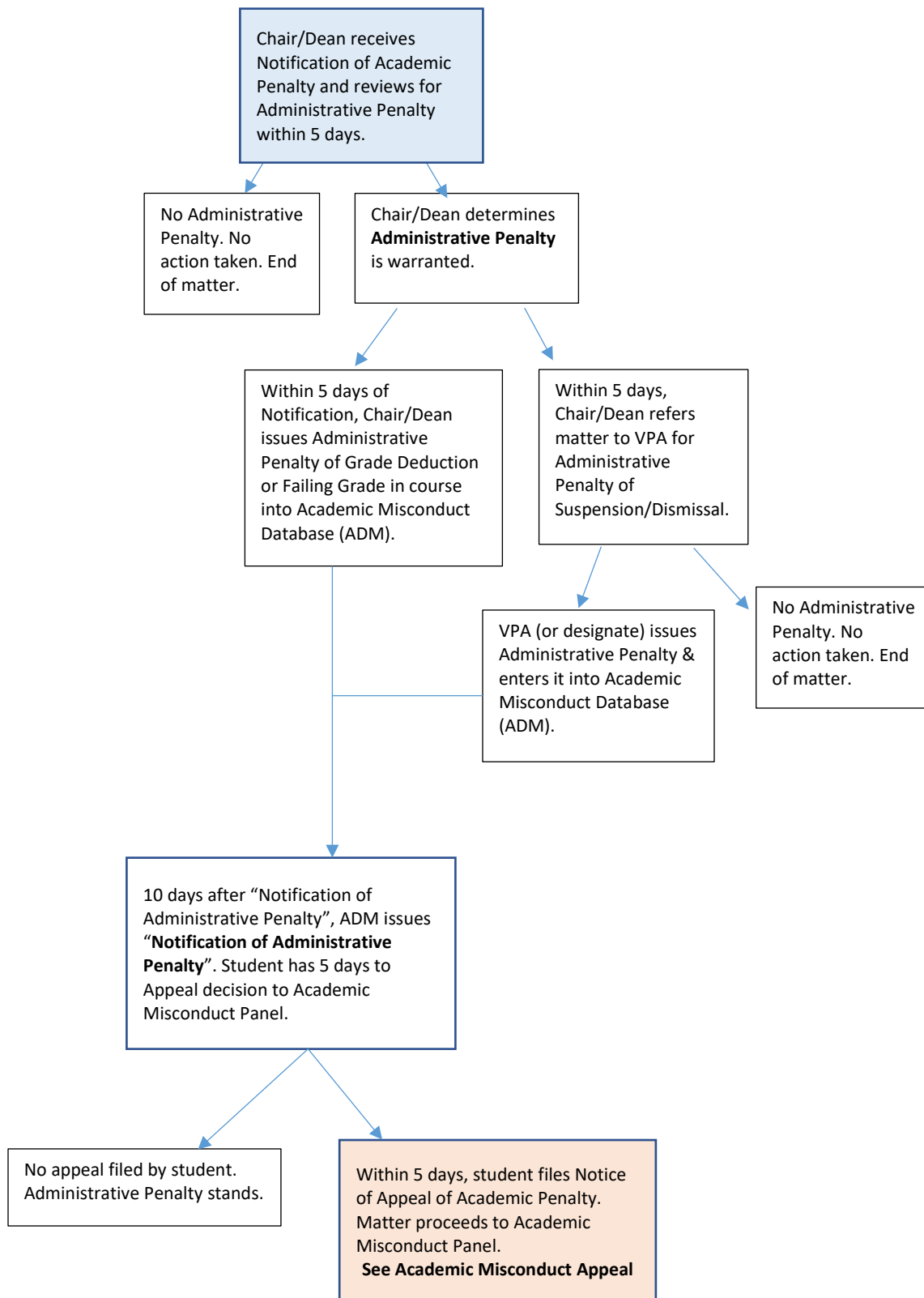
Decision of Academic Misconduct Appeal Panel. The Chair of the Academic Misconduct Appeal Panel will deliver the Panel’s decision, with reasons and in writing, to the Executive Director of the CAE within three (3) working days after the conclusion of the hearing.

Notification. The Executive Director of the CAE will communicate the decision of the Academic Misconduct Appeal Panel, in writing, to the appellant within two (2) days of the receipt of the decision, including a statement to the effect that the decision is final.

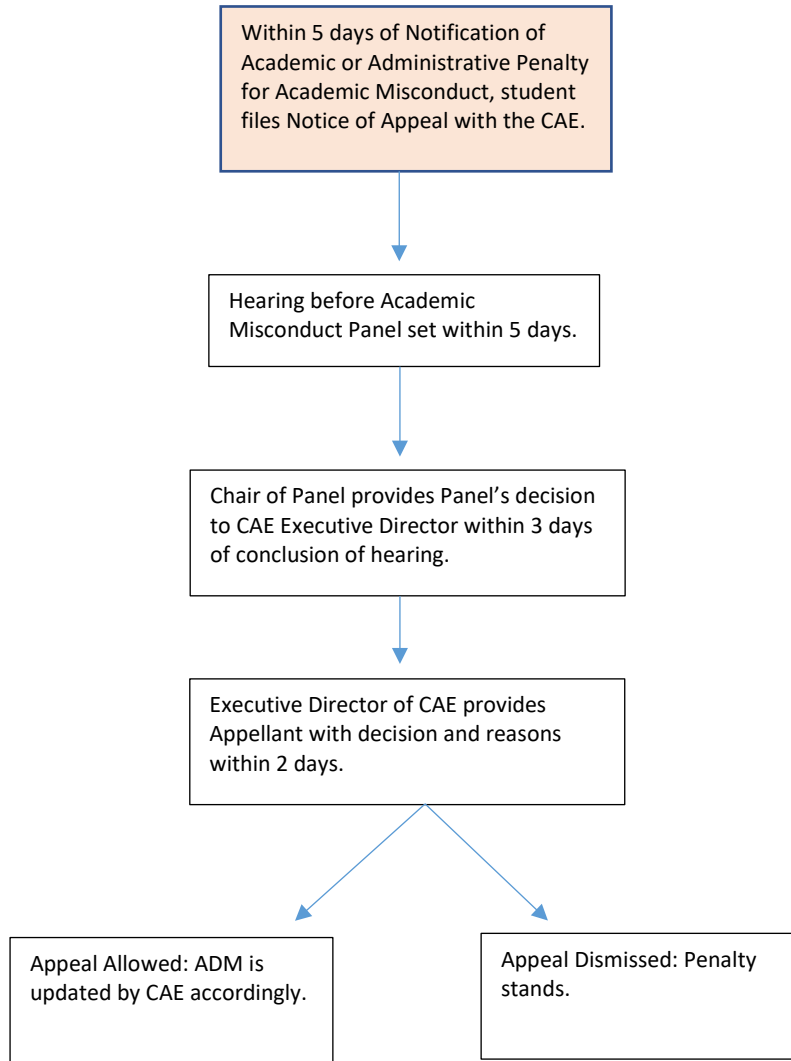
Academic Misconduct Complaint Process: Academic Penalty (Faculty)



Academic Misconduct Complaint Process: Administrative Penalty (Chairs/Deans/VPA)



Academic Misconduct: Appeal Process



Appeal decisions are final. No further appeals.

7.1.7.6 Notice of Appeal of an Academic Misconduct Penalty



Notice of Appeal of an Academic Misconduct Penalty

Date: _____

Campus:			
Student Name:		Student Number:	
Student Program:		Chair:	
Course Name:		Course Number:	
Semester:		Faculty Member:	

Violation Under Appeal:			
<input type="checkbox"/>	Plagiarism	<input type="checkbox"/>	Misappropriation of own work
<input type="checkbox"/>	Cheating – unauthorized external assistance	<input type="checkbox"/>	Falsifying information
<input type="checkbox"/>	Unauthorized collaboration	<input type="checkbox"/>	Attempting to influence
<input type="checkbox"/>	Impersonation	<input type="checkbox"/>	Facilitation of academic misconduct
<input type="checkbox"/>	Academic Dishonesty	<input type="checkbox"/>	Contract Cheating

I am appealing:

_____ Academic Penalty

_____ Administrative Penalty

Explanation of the Incident You Are Appealing

Write a detailed explanation to demonstrate why you feel the penalty imposed should be reviewed. It is your responsibility to attach any relevant documentation to support the grounds of your appeal. Attach a copy of the Notification of Academic Misconduct (email) to this submission.