



POLICY AND PROCEDURE MANUAL

Policy Title:	CODE OF STUDENT RIGHTS AND RESPONSIBILITIES	Area of Responsibility: VICE PRESIDENT, CORPORATE & COMMUNITY SERVICES
Policy Section:	STUDENT SERVICES	
Effective Date:	2001 11 01	Policy No: 7.1
Supersedes:	PREVIOUS POLICY	Page: 1 of 29

7.0 STUDENT SERVICES

7.1 *Code of Student Rights and Responsibilities*

Introduction

The College is committed to the provision of high quality education and training, and seeks to ensure an environment of intellectual 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 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.

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.

The Code should not be confused with other regulations/procedures such as the Discrimination and Harassment Policy and Procedure, Academic Grade Appeal Procedure, CanCopy etc. enforced at the College.

This document will encompass the following:

- Definitions
- Student Rights
- Student Responsibilities

- Student Misconduct and Discipline – Offenses
 - General Misconduct
 - Non-Academic Misconduct
 - Academic Misconduct

- Student Misconduct and Discipline – Penalties
 - General Penalties – Non-Academic Misconduct
 - Specific Penalties – Cheating, Impersonation, and Plagiarism
 - Specific Penalties – Disruption of Instructional Activities
 - Penalties and Issuing Authority

- Complaint Process
 - Complaints
 - Student Rights Violations Complaints

- Appeal Process

- Appendices

7.1.1 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.

Administration 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.

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 any member of the College Board of Governors, students, administrators, faculty members, support staff, and contract workers, 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 Sponsored Event/Activity means any event/activity sponsored 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.

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.

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

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

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 ethnic origin, colour, religion, age, sex, sexual orientation, marital or family status; education, medical, psychiatric, psychological, criminal, employment history or financial transactions; identifying numbers such as O.H.I.P., S.I.N., or student number, student home address or home telephone number; private correspondence; the individual's name where it is linked to his/her personal information.

Recognized Student Organization means the student organizations recognized from time to time by the Board of Governors which currently 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, Executive Directors, Chairs, Directors and Principal.

Sexual Harassment means unsolicited or unwanted sexual advances, or requests for sexual favours, unsolicited or unwanted verbal abuse or physical conduct of a sexual nature, unwanted written or visual material of a sexual nature, including electronic materials.

Student means any person, registered in a course or program of study at the College, whether full-time or part-time.

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

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.

7.1.2 Student Rights

In common with all other individuals in Ontario, students enjoy rights under the Human Rights Code of Ontario, the 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.

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.

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 he/she has 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.

Freedom of Speech – The right to express themselves on any subject, without hindrance or fear or reprisal, subject to the laws of defamation and to the reasonable requirements of discipline, except where the exercise of such rights interferes with the rights of others.

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.

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 professors 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 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.

7.1.3 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 honorably 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 when requested;
9. Complying with regulations and procedures regarding the use of College materials, equipment, and services and following College rules and guidelines;

10. 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;
11. 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;
12. Respecting faculty's right to expect assignments to be neatly presented with appropriate identification, and in accordance with the course requirements;
13. Submitting original work, knowing what plagiarism and other forms of cheating are, and knowing the consequences of engaging in plagiarism and other forms of cheating;
14. Writing tests and examinations at the time(s) scheduled and adhering to the established procedures when writing examinations;
15. Note: *Section 404 of the Criminal Code of Canada, 1993* makes impersonation at an examination a criminal offense.
 - a) *Section 404: Everyone who falsely, with intent to gain advantage for him/herself or some other person, impersonates a candidate at a competitive or qualifying examination, held under the authority of law or in connection with a university, college or school or who knowingly avails himself of the results of such impersonation, is guilty of an offense punishable on summary conviction.*
16. 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.
17. 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;
18. Obtaining prior approval from faculty to bring a child or other guest into the classroom or other areas used for student learning or study (e.g. Learning Centre);
19. Respecting the rights of all members of the College community.

7.1.4 Student Misconduct and Discipline - Offenses

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

7.1.4.1 General Misconduct

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 from time to time;
3. Knowingly aiding or assisting another person(s) in the commission of any offense on campus or at any College-sponsored activity on or off campus.

7.1.4.2 Non-Academic Misconduct

Abuse, Harassment and Dangerous Activity

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

Sexual Harassment. No student or other member of the College community shall sexually harass another person.

Violence. No student or other member of the College community shall, on College property, or at College-sponsored functions off campus, individually or with a group, including picketing or a rally:

1. use words, gestures or act in a manner that 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 activity/function any explosives (including fireworks), firearms, other weapons or imitations of weapons.

Disruption or obstruction of regular or organized College activities. No student or other member of the College community 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 activities/functions 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 his/her duty.
2. Refuse to provide identification upon reasonable request and justification by a College official, employee or person acting in the proper performance of his/her duty.

Unauthorized or Illegal Substances

No student or member of the College community 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 himself/herself or others, by the consumption of any alcoholic beverage, or the use of any illegal narcotics or drug, or any unlawful substance.

Theft, Damage or Destruction of College Property

No student or other member of the College community 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 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 or other member of the College community 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 offense (Section 430.[387] 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 his/her 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 contravenes the College's Human Rights Policy.
- j) sending harassing or defamatory material by electronic means. Harassing or defamatory material may not be sent by electronic means, including email and voice mail, or posted to news groups.

7.1.4.3 Academic Misconduct

Academic misconduct includes, but is not limited to instances of cheating, plagiarism, impersonation, or disruption of instructional activities.

Cheating, Impersonation and Plagiarism

No student shall:

1. Make information available to another student knowing the material is to be submitted as the borrower's own work;
2. Copy from another student;
3. Use unauthorized material;
4. Submit a take-home exam written by someone else;
5. Impersonate a candidate in an exam or test;
6. Submit essays, assignments, computer programs, etc., written, in whole or in part, by someone else;
7. Prepare essays, assignments, computer programs, etc. for submission by another student;

8. Use direct quotations or sections of paraphrased material without citing appropriate references;
9. Purchase or sell term papers;
10. Copy or submit, in whole or in part, electronic files or data created by another person without the instructor's permission;
11. Alter or falsify academic records in any way;
12. Submit false medical, and/or academic information.

Disruption of Instructional Activities

No student or member of the College community shall:

1. exhibit behaviours/actions that may present risks to the safety of him/herself or others;
2. 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.

7.1.5 Student Misconduct and Discipline - Penalties

7.1.5.1 Introduction

Inappropriate student behaviour as outlined in the Code may result in disciplinary action through one or a combination of College, civil, or criminal proceedings. A student who has been found guilty of an offense shall be subject to a penalty, or penalties, depending on the offense. Some cases may warrant more than one penalty and previous College misconduct may be taken into account in determining penalties.

Inappropriate behaviour by other members of the College community 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.

Minor infractions will normally be dealt with in the area or department where they occur. Criminal offenses will be dealt with according to law.

Complaints of sexual harassment and discrimination fall under the jurisdiction of the College Discrimination and Harassment Policy (which complies with the Human Rights Code of Ontario) and such complaints will be dealt with according to the process outlined in that policy.

Academic Grade Appeals are dealt with under the Academic Grade Appeal Procedure.

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.

7.1.5.2 General Penalties – Non-Academic Misconduct

When an offense occurs, the following penalties may be issued. The penalty may be placed in the student's official record. If entered into the record, the penalty and all references to it shall be removed when the student's status becomes inactive (one calendar year after the student was last registered at the College).

1. **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 provides for a more severe disciplinary action if there is another breach of the Code within a stated time period.
3. **Probation.** In addition to a warning or reprimand, a student may be placed on probation for a stated period with specific conditions, a breach of which may result in suspension or dismissal.
4. **Restitution.** In all cases, 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).
5. **Interim 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. In cases of gross misbehaviour that is considered likely to continue, the College shall have the right to suspend a student until an investigation into the behaviour has been conducted. Matters of this level of severity will be decided by a Senior Administrator of the College.
6. **Exclusion.** This involves exclusion from a particular part of the College, i.e. classes, labs, rooms, or buildings for a specific period of time.
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 illegally obtained. These penalties may also be invoked in instances of non-payment of a fee or other monies due the College, or failure to return College equipment, or failure to provide full restitution, etc.

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.
9. **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 Specific Penalties for Academic Misconduct (Including but not limited to Cheating, Impersonation, Plagiarism)

1. A **warning**, orally/spoken or in writing, may be issued to a student by a faculty member or invigilator specifying that the student has allegedly violated a specific section of the Code, and that further disciplinary action may be taken;
2. **Resubmission of assignment**, either the same or an alternate assignment, with the grade assigned at the discretion of the faculty member to whom the assignment is submitted;
3. A **mark of “0”** assigned by the faculty member with no opportunity to resubmit the assignment.
4. A **failing grade** in the course assigned by the faculty member only after consultation with the Program Coordinator and Program Chair.
5. **Immediate interim suspension from the College** for a period of not less than the end of the current semester in which the student is enrolled. This penalty will only be issued by the Chair/Principal or their supervisor(s) on the recommendation of the Program Chair and the staff member involved in investigating the violation of the Code;
6. **Dismissal from the College** for not less than one full academic year may result from repeated offenses of Academic Misconduct. Dismissal may only be issued by the Chair/Principal or their supervisor(s).

7.1.5.4 Specific Penalties for Academic Misconduct - Disruption of Instructional Activities

Student behaviour/actions that become offensive, unsafe, abusive, intimidating and/or unwelcome by other class members and/or the faculty member responsible for providing academic leadership, and interfere with classes, laboratories, clinical settings, field placements, seminars, tutorials, group meetings, or other related activities, including examinations and tests are violations of the Code. The following are specific penalties that may be issued for the disruption of instructional activities:

1. **Oral/Spoken in-Class Warning.** An oral/spoken notice to the student by a faculty member that the student has violated the Code and that continuation or repetition of

the violation of the Code will be cause for further disciplinary action and may be documented.

2. **Reprimand.** A written letter of reprimand to the student from the Program Chair indicating more severe disciplinary action if there is a repetition of the violation of the Code within a specified period of time.
3. **Probation.** A written letter from the Program Chair placing the student on probation for a specified period of time and, if applicable, under specified conditions. A breach of such probation may result in suspension or dismissal.
4. **Formal Exclusion.** A written letter to the student from the Program Chair excluding the student from specific classes relative to the specific offense under the Code.
5. **Interim Suspension.** A written letter to the student from the Dean/Principal or their supervisor(s) placing the student on interim suspension from a program, or from the College, for a specified period of time. Depending upon the severity of the offense, the student may be fully suspended for a period of up to one year. The penalty of full suspension may only be issued by the Dean/Principal.
6. **Dismissal.** A written letter to the student from the Dean/Principal or other Senior Administrative Officer issuing the permanent dismissal of the student from the College. An order for dismissal may contain a specified time period and may also contain provisions for readmission to the College under specified conditions.

7.1.5.5 Penalties and Issuing Authority

Penalties and Issuing Authority		
Non-Academic Misconduct		Penalty Issued By
Warning (oral or written)		Campus Hearing Officer or Other Administrator
Reprimand		Campus Hearing Officer or Other Administrator
Probation		Campus Hearing Officer or Other Administrator
Restitution		Campus Hearing Officer or Other Administrator
Interim Suspension		Senior Administrator
Exclusion		Senior Administrator
Revocation/Withholding College Credential and/or Academic Credit		Senior Administrator
Full Suspension		Senior Administrator
Academic Misconduct		Penalty Issued By
Cheating, Impersonation, Plagiarism, etc.	Warning (oral or written)	Faculty member or invigilator
	Resubmission of assignment	Faculty member
	Mark of "0"	Faculty member
	Failing grade in course	Faculty member after consultation with program coordinator and Chair
	Immediate interim suspension (for not less than the end of the current semester)	Chair/Principal or his/her supervisor on recommendation of program Chair
	Dismissal (not less than one full academic year)	Chair/Principal or his/her supervisor
Disruption of Instructional Activities	Oral In-Class Warning	Faculty member
	Reprimand (written)	Program Chair
	Probation (written)	Program Chair
	Formal Exclusion (written)	Program Chair
	Interim Suspension (written)	Chair/Principal or his/her supervisor
	Dismissal (written)	Chair/Principal or his/her supervisor

7.1.6 Complaint Process

7.1.6.1 Introduction

The disciplinary process is fundamentally informal and will be carried out 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 unacceptable behaviour, 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 fully informed of the alleged offense including the name(s) of the source(s) of the allegation; advised of the relevant documents relating to the alleged offense; and, advised of where and when to present his/her side of the matter.

Penalties issued will, as closely as possible, reflect the logical consequences of the student's misbehaviour. Although punitive measures may be taken, efforts will be made to provide for penalties that are educative and developmental in nature.

7.1.6.2 Complaint Process

Complaint Process – General Offenses

1. Any member of the College community who believes that that there has been a contravention of this Code may file a complaint against any other member of the College community alleging an offense against the Code. A Conduct Complaint Form is available at the Welcome Centre, the Counselling Centre, the Registrar's Office, the Student Services Office, and Student Government Offices.
2. A student or other member of the College community 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 alleged offense that gave rise to the complaint. In cases where a student or other member of the College community is uncomfortable resolving the complaint directly with the individual involved, he/she may have another student or member of the College community accompany him/her. Alternatively, the complainant may file the complaint with the individual's immediate supervisor.
3. If the complaint cannot be resolved, the complainant shall complete a Conduct Complaint Form and submit it to the Chairperson of the student's program (for academic misconduct complaints) or to the Campus Hearing Officer (for non-academic misconduct complaints).
4. If the complainant is unsure whether the alleged offense falls within the academic or non-academic offenses, he/she shall submit the completed complaint form to the Chairperson of the student's program who shall make the determination and immediately forward any non-academic complaints to the Campus Hearing Officer.
5. At any disciplinary meeting, a student may be accompanied by another student or a representative of the S.R.C., or T.S.I.

Complaint Process - Non-Academic Offenses

1. In cases of non-academic offenses, the Campus Hearing Officer shall notify the respondent by personal service, or registered mail, within three (3) days of the receipt of a complaint against him/her.
2. The Campus Hearing Officer shall then conduct an investigation within ten (10) days, which may include interviews with the complainant, the respondent and witnesses and a review of evidence. Both complainant and respondent will be given an opportunity to

- state their respective cases with regard to the complaint. Every attempt will be made to resolve the complaint at this level.
3. At the conclusion of the investigation, the Campus Hearing Officer may:
 - a) dismiss the complaint; OR
 - b) issue any one or more of the penalties stated in the Code up to but not including Revocation/Withholding a College Credential and/or Academic Credit, Suspension or Dismissal that shall be communicated to all of the appropriate parties in writing.
 4. The Campus Hearing Officer or his/her designate shall notify all parties of the disposition of the complaint, in writing, within three (3) days of the completion of the investigation.
 5. In cases of gross non-academic misconduct which, in the opinion of the Campus Hearing Officer or his/her designate, is likely to continue, the Campus Hearing Officer or his/her designate shall have the right to immediately suspend a student until the matter has been reviewed by a Senior Administrator within two (2) days following notification in writing to the student. At that time, the Senior Administrator shall either confirm or revoke the suspension.

Complaint Process - Academic Offenses

1. **In the case of academic offenses involving plagiarism, cheating, or impersonation –**
 - a) The faculty member or program Chairperson, depending on the alleged offense, shall complete a Conduct Complaint Form notwithstanding the fact that a penalty may have been issued immediately. The faculty member or program Chairperson shall notify the student, orally, and may notify the student by personal service or registered mail, within three (3) days of the complaint.
 - b) The faculty member or program Chairperson shall then conduct an informal investigation and document the details of the offense. The process may include an informal meeting with the parties concerned, and is to be completed within ten (10) days.
 - c) At the conclusion of the investigation, the faculty member or appropriate Chairperson may:
 - i. dismiss the complaint; OR
 - ii. issue one or more of the penalties stated in the Code up to but not including Revocation/Withholding a College Credential and/or Academic Credit, Suspension or Dismissal; OR
 - iii. depending on the severity of the offense, a faculty member or program Chairperson may recommend to the Chair/Principal that one or more of the penalties of Revocation/Withholding a College Credential and/or Academic Credit, Suspension or Dismissal be imposed.

- d) The faculty member or program Chair shall complete the investigation and disposition sections of the Conduct Complaint Form, providing details of the complaint investigation and the disposition of the complaint. He/she shall then notify the parties of the disposition of the complaint within three (3) days of the conclusion of the investigation.
2. **In suspected cases of impersonation and/or cheating –**
- a) A faculty member or invigilator may request that a student leave an examination or test.
 - b) The faculty member or invigilator shall immediately complete a Conduct Complaint Form and shall notify the student of the complaint. The faculty member or invigilator shall then meet with the student where he/she shall be given an opportunity to respond to the complaint.
 - c) If, after investigating the complaint, the faculty member or invigilator determines that the student did not commit the offense of impersonation and/or cheating, the student shall be given the opportunity to rewrite the examination or test.
 - d) The faculty member or program chair shall notify the student of the outcome of the complaint, verbally, by personal service or registered mail, within three (3) days of the conclusion of the complaint investigation.

7.1.6.3 Student Rights Violations Complaints

1. Any student who perceives that he/she had been unjustly treated regarding the application of a College policy or procedure, or regarding the action of a College employee, may file a complaint. Such complaints may involve misconduct, discrimination or other inappropriate behaviour by another student, or may refer to incompetence, discrimination, or other inappropriate behaviour by a College employee.
2. Any student 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 resolving the issue directly with the individual, he/she may have another student, or family member or representative of the S.R.C. or T.S.I. accompany him/her. In more severe cases, the student may attempt to resolve the issue informally through the individual's immediate supervisor.
3. If the issue is not resolved, the student may submit a formal complaint with the Campus Hearing Officer using the Conduct Complaint Form.
4. 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, and will not be subject to appeal.

5. Record of any penalty, or other documentation that has been issued as a result of a proven student rights violation will form part of the staff member's personnel record in Human Resources.

7.1.7 Appeal Process

7.1.7.1 Appeal Process - Stage One

1. Any complainant or respondent who disagrees with the dismissal or informal disposal or his/her complaint 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 being appealed.
2. The appellant shall complete a Complaint Appeal Form and forward it to the immediate supervisor of the individual whose decision he/she disagrees with.
3. The immediate supervisor shall investigate the appeal, and shall respond to the appellant in writing, including reasons for the appeal decision, within three (3) days. The response will also include instructions for further appeal if the appellant is dissatisfied with the response.
4. If the appellant is dissatisfied with the immediate supervisor's appeal decision, he/she may submit the appeal, with the appeal decision, to the Vice President, Academic within five (5) days of the receipt of the appeal decision.

7.1.7.2 Appeal Process - Stage Two

1. If no resolution is reached in Stage One, the appellant must forward the Conduct Appeal Form with the appeal decision(s), within five (5) days to the Vice President, Academic for the appointment of a mediator or for a formal appeal hearing before a Conduct Appeal Committee. If mediation is rejected or if mediation is unsuccessful, the Vice President, Academic shall convene a Conduct Appeal Committee which shall meet within five days of 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 his/her immediate supervisor.
2. The Conduct Appeal Committee will conduct a hearing within five (5) days of the establishment of the Committee. The Chair of the Committee will provide the President with the Committee's recommendation(s) within two (2) days after the conclusion of the hearing.

7.1.7.3 Appeal Process - Stage Three

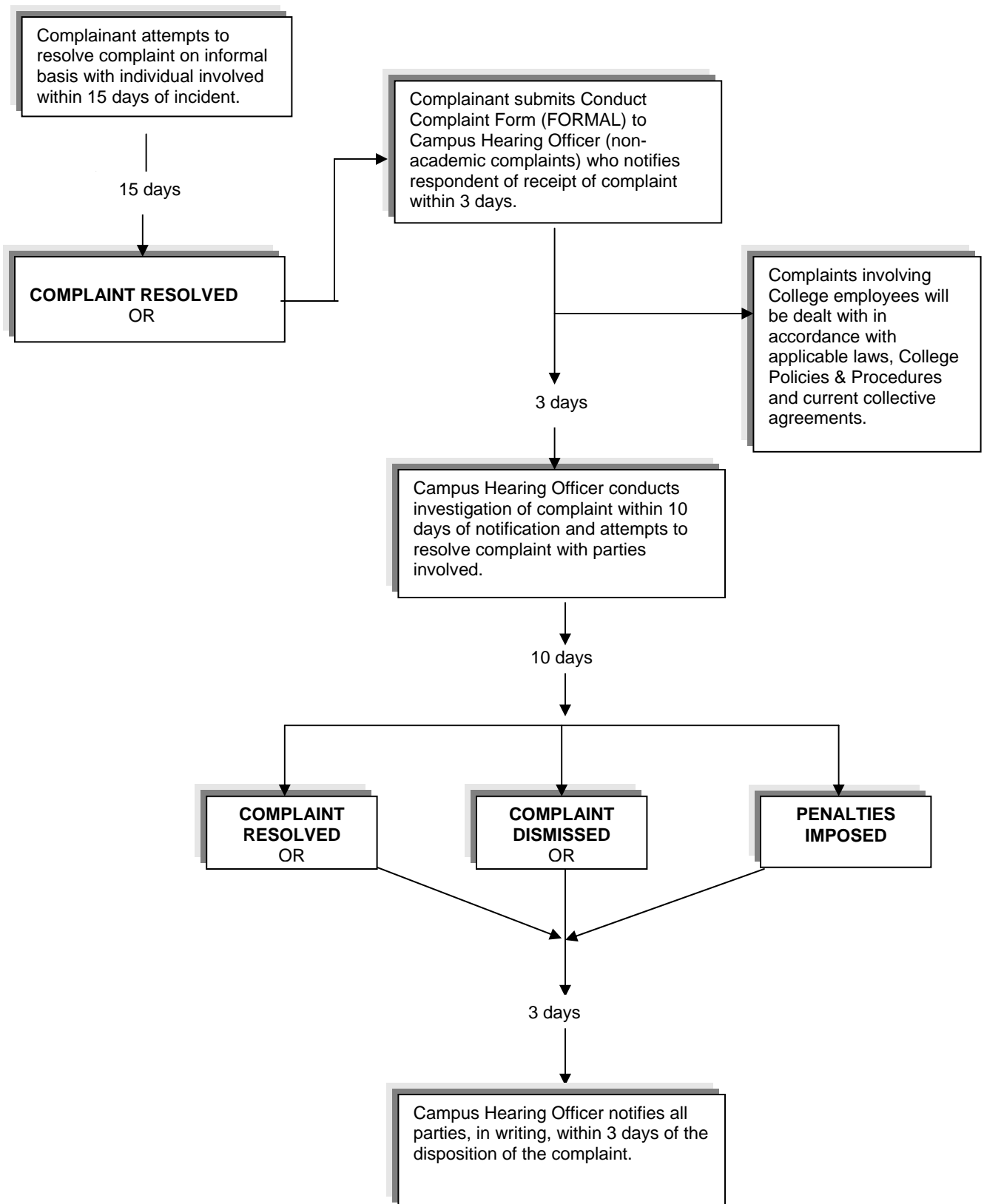
1. The President will review the recommendation(s) of the Committee and will make a final judgment on the appeal. The decision of the President shall be final and there shall be no further appeal within College policies and procedures.
2. The President will notify the appellant, of his decision with reasons and in writing, within five (5) days of the receipt of the Conduct Appeal Committee's recommendation(s).

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.

Please note: Academic Grade Appeals are dealt with under the Academic Grade Appeal Procedure.

7.1.8 Appendices

7.1.8.1 Complaint Process Schematic (Non-Academic Complaints)



7.1.8.2 Formal Conduct Complaint Form

ST. CLAIR COLLEGE OF APPLIED ARTS AND TECHNOLOGY
FORMAL CONDUCT COMPLAINT

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

PLEASE PRINT

COMPLAINANT

(Please check one)

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

Last Name, First Name, Middle name, Student No. (if applicable)

Street, City/Town, Postal Code, Telephone #

DESCRIPTION OF COMPLAINT (be as specific as possible and use extra pages as needed)

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

Location:

Witnesses:

Section(s) of Code allegedly violated:

Name(s) of alleged offender:

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

Circumstances (events leading up to incident, actions taken, follow-up, etc.):

REMEDY REQUESTED

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 as stipulated in the Code of Student Rights and Responsibilities.

SIGNATURE: (Complainant), (Date)

OFFICE USE ONLY

Received by: Date:

Copies to: Date:

DETAILS OF COMPLAINT INVESTIGATION (meetings, interviews, attendees, agreements reached, if any, and final outcome
– use extra pages as needed)

DISPOSITION OF COMPLAINT

Complaint dismissed

Reason(s):

Penalties assigned (specify):

Reason(s):

Other (specify):

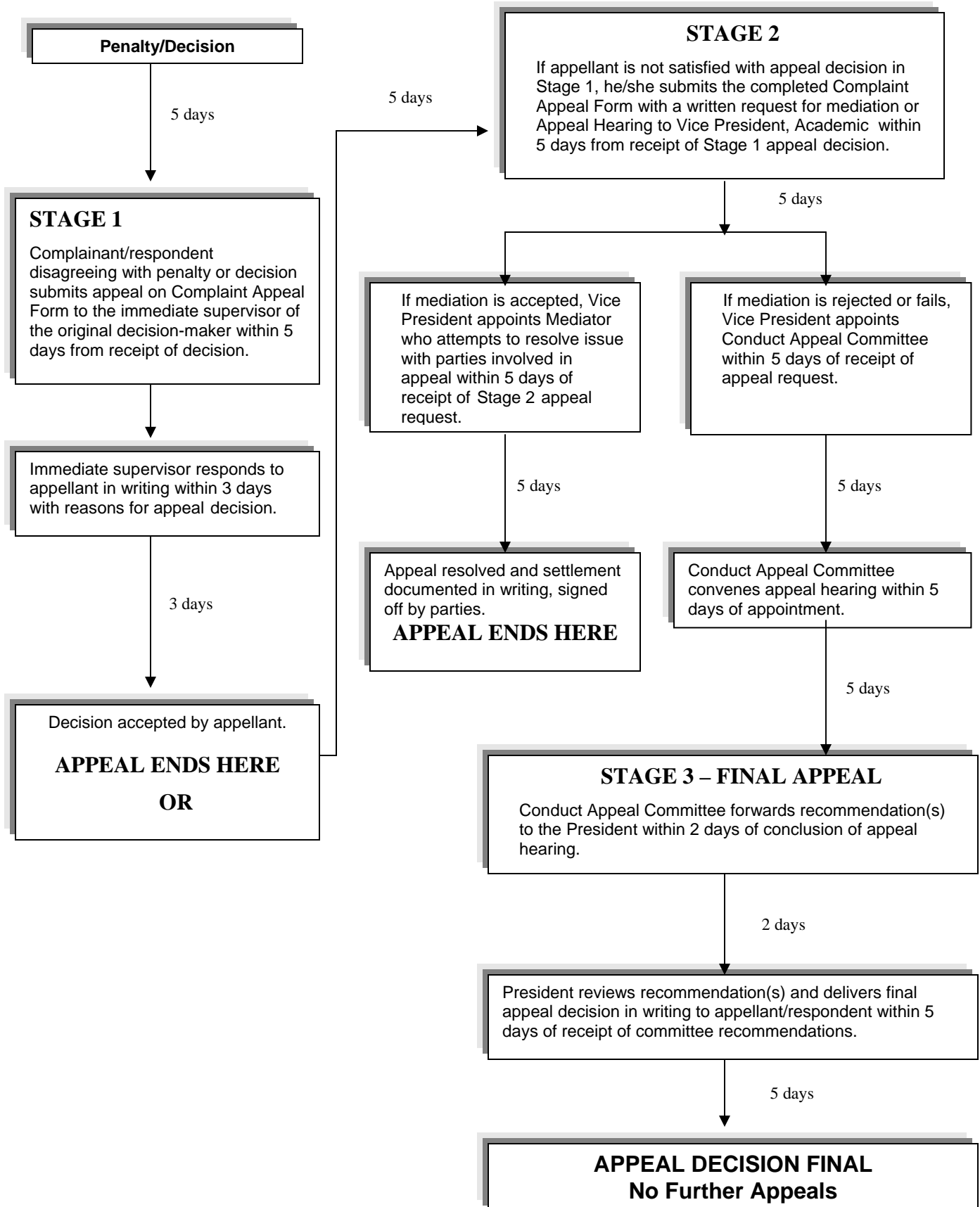
Reason(s):

NOTIFICATION

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

7.1.8.3 Complaint Appeal Process Schematic

COMPLAINT APPEAL PROCESS



7.1.8.4 Complaint Appeal Form

ST. CLAIR COLLEGE OF APPLIED ARTS AND TECHNOLOGY

COMPLAINT APPEAL***

(to be completed by Appellant – PLEASE PRINT)

APPELLANT (Individual Requesting Appeal)

(please check one)

- Student Administrator Faculty Member Support Staff Other

Last Name First Name Middle name Student No. (if applicable)

Street City/Town Postal Code Telephone #

DECISION/PENALTY BEING APPEALED

Please provide brief description of complaint, what and whose decision is being appealed and why you feel the decision/penalty is unjust

REMEDY REQUESTED

SIGNATURE: (Appellant) (Date)

***THIS FORM IS NOT USED FOR ACADEMIC GRADE APPEALS. FOR ACADEMIC GRADE APPEALS, PLEASE REFER TO THE ACADEMIC GRADE APPEAL PROCEDURE.

7.1.8.5 Terms of Reference of Conduct Appeal Committee

TERMS OF REFERENCE OF CONDUCT APPEAL COMMITTEE

Notice of Conduct Appeal Committee Hearing. The Vice President, Academic 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 Three Final 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. one (1) faculty member appointed by the faculty union;
3. two (2) members, one of whom shall be a faculty member from a department not related to the Appeal, designated by the Vice President, Academic.

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

1. the Campus Hearing 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 hold a hearing within five (5) days of its appointment.

Evidence. In hearing the Final Appeal, the Conduct Appeal Committee may consider the evidence received from Stage One and Stage Two Appeals, 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 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.