

**Policy No. & Title: A130: STUDENT CODE OF CONDUCT**

*Policy Sponsor:* Executive Director, Student Wellness, Accessibility and Belonging

*Reference Cttee:* College Council

*Effective:* 2024-02-01

*Next Review:* 2029-01-31

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2010-11-17/CC-10-03; 2012-01-18/CC-11-03; 2013-03-20/CC-12-06;  
2019-11-27/CC-19-03; 2024-02-01/CC-23-03

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**1. PURPOSE**

The purpose of the Student Code of Conduct (the Code) is to define the general standard of non-academic conduct expected of students, to provide examples of conduct that may be subject to disciplinary action or restorative measures by the College, to set out the actions that may be imposed, and to describe the disciplinary procedures that the College will follow. The Code seeks to balance student success with the well-being of the College Community by encouraging participatory processes, informal resolution and restorative measures when appropriate.

Community is at the heart of Fanshawe's values. It expresses the connections we have with each other; support we give each other and the respect we show each other.

**2. POLICY**

Fanshawe College will uphold the Code of Conduct and respond to instances of non-academic student misconduct which may occur both on and off campus and affect the Fanshawe workplace, living, learning and student life environment.

**2.1. Principles**

- 2.1.1. In the context of the Code, the goal and responsibility of the College is to provide a learning community encompassing all aspects of college life, such that the pursuit of education and personal growth can take place in a safe and welcoming environment.
- 2.1.2. The College will identify and respond quickly and effectively to instances of non-academic misconduct.
- 2.1.3. The College and those acting on behalf of the College will ensure that they apply the principles of natural justice and fairness, act in good faith and apply their discretion reasonably.
- 2.1.4. The College is committed to addressing incidents involving acts of hate, discrimination, racism, oppression, and harassment and actively building an environment that promotes respect, inclusion and equity of all persons.

**2.2. Administration**

- 2.2.1. The Policy Sponsor develops, maintains and implements procedures as are necessary to achieve the objectives of this policy. Such procedures align closely with the recommendations of Colleges Ontario, and with the College's mission, vision and values.

2.2.2. The associated addenda and procedures to this policy may be amended by authority of the Policy Sponsor.

### **3. REFERENCES**

[Statement of Rights and Responsibilities](#)

[Trespass to Property Act, R.S.O. 1990, c. T.21](#)

### **4. ADDENDA**

Standard A: SCOPE AND APPLICATION

Standard B: RIGHTS AND RESPONSIBILITIES

Standard C: PROHIBITED CONDUCT

Standard D: SANCTIONS

Procedure 1: COMPLAINTS

Procedure 2: APPEALS

Standard E: DEFINITIONS

*Policy No. & Title:* A130: STUDENT CODE OF CONDUCT

*Addendum:* **Standard A: SCOPE AND APPLICATION**

*Issued by:* Executive Director, Student Wellness, Accessibility and Belonging

*Effective:* 2024-02-01

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## 1. SCOPE OF THE CODE

- 1.1. In the exercise of its disciplinary authority and responsibility, the College treats students as free to organize their personal lives, behaviour, and associations, subject to all local, municipal, provincial, and federal laws, and the policies of the College, including this Code of Conduct.
- 1.2. The Code applies to student conduct from admission to a course or program until that person has completed the course or graduated from the program, even though the conduct may occur before classes begin or after classes end. When a complaint has been made against an individual for behaviour that was alleged to have occurred while the individual was a student, the individual is deemed a student for the purposes of the Code until the complaint and appeal process is complete.
- 1.3. Nothing in this Code should be construed to limit freedom of expression as provided by law, provided such activities are orderly, do not disrupt College operations, and do not unreasonably interfere with the right of other members of the College Community to use and enjoy the College's learning, living, and working environment and facilities.
- 1.4. Whenever appropriate, the College encourages informal resolution of Minor Misconduct.
- 1.5. Professional organizations and associations affiliated with specific College programs may have standards of behaviour or a specific code of ethics that students may be responsible to understand and with which they are required to comply. Any violations of such standards will be dealt with in accordance with the professional organization or association. Where breach of such standards is also a breach of this Code of Conduct, the student may be subject to disciplinary sanctions under this Code as determined by the Code of Conduct Coordinator (CCC).

## 2. APPLICATION

- 2.1. This Code applies to:
  - 2.1.1. Conduct that occurs on all College campuses
  - 2.1.2. Off-campus conduct at a College-sanctioned event or when the student is acting as a designated representative of the College or a student organization, club, or team, or under the direct or indirect supervision of the College. See policy A116: Assigned Off-Campus Academic Activity.
  - 2.1.3. Off-campus conduct which adversely affects the rights of a member of the College Community to use and enjoy the College's learning, living, and working environment and facilities, conduct which could adversely affect the health and safety of a member of the College Community, or conduct that interferes with the achievement of the College's objectives, mission or vision.

- 2.1.4. Any student who engages in misconduct either directly, indirectly, or as an accomplice is subject to the disciplinary sanctions of this Code, regardless of the action or inaction of civil authorities. Nothing in this Code precludes the College from referring an incident to the appropriate law enforcement agency, including Campus Security Services before, during, or after disciplinary action is taken by the College under this Code.
- 2.1.5. In addition to disciplinary action taken by the College, students are also subject to local, municipal, provincial, and federal laws and civil proceedings.

### **3. MULTIPLE PROCEEDINGS**

- 3.1. Where the circumstances giving rise to the complaint are also the subject matter of another College policy (e.g., an appeal under policy A128: Student Academic Appeals) or codes from affiliated organizations such as the Ontario College Athletic Association (OCAA) or the Residence, the CCC will work with the administrator responsible for the other policy or code to determine under which policy or code the matter shall be dealt with is applied first.
- 3.2. Where the subject matter of the complaint is more appropriately dealt with under another College policy or code, the CCC may exercise their discretion not to deal with the complaint and may recommend that it be dealt with and decided under the other policy or code.

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*Policy No. & Title:* A130: STUDENT CODE OF CONDUCT

*Addendum:* **Standard B: RIGHTS AND RESPONSIBILITIES**

*Issued by:* Executive Director, Student Wellness, Accessibility and Belonging

*Effective:* 2025-01-31

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## 1. STUDENT RIGHTS

- 1.1. All students of the Fanshawe College community have the right to live their lives, to study, to learn, to participate in student life activities, and to work without unreasonable interference, disruption, or upset caused by the actions of another person.
- 1.2. All Fanshawe students have the right to be treated in a manner which is respectful, honest, and free from acts of hate, discrimination (racial or otherwise), or harassment on protected grounds.
- 1.3. In common with all other individuals in Ontario, students enjoy rights under both the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms. That enjoyment is subject to such limits contained therein. In the latter case, it should be noted that the Charter of Rights and Freedoms guarantees the rights and freedoms set out therein, but such rights are subject to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. Such reasonable limits may include legal rights of property owners or rights of individuals to peaceful enjoyment of premises. The extent of a right or a freedom may reasonably vary with the circumstances so that an exercise of a right which may be appropriate in a public place may not be appropriate in an educational institution.
- 1.4. Students have a right to have College rules and regulations, and this Code in particular, adhered to by all students. Students have a right to expect all other members of the College Community to meet the standard of acceptable behaviour outlined in this Code. In addition, students may question, seek, review, or require an explanation of College regulations without fear of repercussion.
- 1.5. Students have certain procedural rights as set out herein. The procedural rights include giving the student an opportunity to respond to the allegations against them and the right to appeal.

## 2. STUDENT RESPONSIBILITIES

- 2.1. The College encourages students to set for themselves the highest standards of behaviour both on and off campus. Specifically, students are responsible for:
  - Ensuring that their conduct aligns with this Code.
  - Not jeopardizing the good order and proper functioning of the College's programs, activities and services or the interests or objectives of the College.
  - Not endangering the health (physical or mental), safety, rights, or property of the College or College Community members.
- 2.2. Breach of these responsibilities may result in disciplinary sanctions.

- 2.3. Students are required to participate in all meetings scheduled by the CCC unless, by previous agreement with the CCC, a written response is to be submitted as an alternative to a meeting. If the student does not participate in scheduled meetings or does not submit a written response after having been given a reasonable opportunity to do so, the CCC may proceed to administer this Code without such a response or meeting.

### **3. CODE OF CONDUCT COORDINATOR (CCC) RESPONSIBILITIES**

- 3.1. The CCC is responsible for administering the Student Code of Conduct including, but not limited to:
- Communicating findings.
  - Determining sanctions.
  - Communicating and applying sanctions.
  - Informing students of their right to appeal and that appropriate support is available from the Fanshawe Student Union to assist with student appeals.
  - Providing education and awareness.
  - Scheduling meetings (in person or through other means) with students.
  - Communicating with other members of the College where appropriate.

### **4. CAMPUS SECURITY SERVICES RESPONSIBILITIES**

- 4.1. Campus Security Services is responsible for:
- Managing minor violations.
  - Assisting with resolving immediate misconduct.
  - Investigating all violations.
  - Preparing an investigation report for the Code of Conduct Coordinator (CCC).
  - Assisting with enforcement of sanctions.

### **5. MANAGEMENT AND OTHER EMPLOYEES' RESPONSIBILITIES**

- 5.1. Managers and supervisors have a duty to:
- Act immediately on observations or allegations of breaches of this Code.
- 5.2. Employees and others responsible for directing the activities of students have a duty to:
- Act immediately on observations or allegations of breaches of this Code.
  - Be familiar with this Code and its procedures and to inform staff and students about its existence.

**6. ASSOCIATE DEAN/DEAN RESPONSIBILITIES**

6.1. The Associate Dean or Dean may, at the discretion of Campus Security Services, be delegated some of the responsibilities of the Campus Security Services in this Code such as:

- Assigning minor Violation Notices.
- Assisting with investigation of violations, and
- Assisting with enforcement of sanctions.

**7. COMMUNITY MEMBER RESPONSIBILITIES**

7.1. Community Members are responsible for:

- Reporting incidents of apparent violations of this Code to a College Official.
- Cooperating in the investigation, and resolution of complaints pursuant to this Code.

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Policy No. & Title: A130: STUDENT CODE OF CONDUCT

*Addendum:* **Standard C: PROHIBITED CONDUCT**

*Issued by:* Executive Director, Student Wellness, Accessibility and Belonging

*Effective:* 2025-01-31

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## 1. PROHIBITED CONDUCT

Without limiting the scope of the student's responsibilities set out in Standard D of this Code, the following list sets out specific examples of prohibited conduct. This list is not meant to be exhaustive.

### 1.1. Abuse of Process

Use of College policy or regulation for the purpose of harming another person in reputation or standing in the College.

### 1.2. Acts of Dishonesty

Acts of dishonesty include but are not limited to the following:

- Providing false information to any College Official, office, or member of the teaching staff;
- Forgery, alteration, or misuse of any College document or record, or any instrument of identification. Note: This provision does not supersede policy A136: Academic Integrity.

### 1.3. Aiding or Abetting

Aiding or encouraging others in the commission of an act prohibited under this Code, (including all municipal, provincial, or federal statutes), or attempting to commit an act prohibited under this Code.

### 1.4. Contravention of College Policies

Violation of published College policies and affiliated codes.

### 1.5. Contravention of Other Laws

Contravention of any provision of the Criminal Code or any other local, municipal, provincial, or federal statutes including without limiting the generality of the foregoing, all by-laws, regulations, and statutes.

### 1.6. Disruption

Disruption or obstruction, by action, threat, written material, or by any means whatsoever, of any College activities, or other authorized activities on or in the facilities of the College; preventing any person from carrying on his or her legitimate activities, whether or not it involves speaking or associating with others.

### 1.7. Failure to Comply

- Failure to comply with directions of a College Official or law enforcement officer acting in the performance of their duties or failure to identify oneself to such persons when requested to do so.
- Failure to comply with any sanction imposed by the College for misconduct under this Code.

**1.8. Improper use of Dangerous Objects and Substances**

Possession, display, use, or storage of firearms, other weapons, ammunition, and explosives, or replicas thereof, or of flammable solvents, bio-hazardous, volatile, or poisonous materials except in areas and for purposes expressly designated by authorized College Officials.

**1.9. Jeopardizing College Reputation**

Any other behaviour that has not previously been specified, which jeopardizes the reputation or standing of the College's programs, activities and services, or the interests and objectives of the College.

**1.10. Misconduct Against Persons and Dangerous Activity**

Misconduct against persons includes, but is not limited to:

- Assault, harassment, intimidation, threats, stalking, bullying, and coercion;
- Conduct that threatens or endangers the physical or mental health or safety of any person;
- Disorderly or indecent conduct;
- Creating a condition that endangers the health, safety, or wellbeing of any person; and
- Coercing, enticing, or inciting a person to commit an act that is humiliating or demeaning to that person or to others.
- The use of information and communication technologies such as e-mail, cell phone, and pager text messages, instant messaging, personal web sites, social networking sites, and online personal polling web sites, to 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); and
- Any unauthorized use of electronic or other devices to make or disseminate an audio or video record of any person without his/her prior knowledge, or without his/her consent when such a recording is likely to cause injury or distress.

**1.11. Misconduct Involving Property**

Misconduct involving real or personal property of the College or any member of the College Community, including but not limited to the following:

- Entry and/or presence on any facilities of the College contrary to College regulations, or without express or implied authority, or contrary to an express instruction or direction from an authorized College Official including unauthorized entry into residence rooms of others;
- Misappropriation, damage, unauthorized possession, defacement, and/or destruction of facilities or property of the College or the property of others;
- Use of College facilities, equipment, or services contrary to express instruction or without proper authority;
- Misuse of College supplies and documents, including equipment, library and computer resources, keys, records, transcripts and permits;
- Use of College-owned, leased, or controlled computing equipment or facilities for purposes other than those for which the facilities have been provided or interference with the operations of such facilities;

- Tampering with emergency telephones, fire protection equipment, or emergency facilities (e.g., fire bells, fire extinguishers, fire hoses); disconnecting or blocking fire alarms; setting unauthorized fires, or raising a false fire alarm; blocking or wedging open fire and smoke doors on corridors or stairways;
- Obtaining, accessing, or disclosing all or any part of the confidential personal records pertaining to a member of the College Community, or disclosing to others the content of such records, without that person's express consent.
- Using or permitting others to use College property, facilities, or resources to promote, engage in, or further an activity which contravenes any provision of the Criminal Code or any other local, municipal, provincial, or federal statutes.

1.12. Smoking, Alcohol and Drug Use

- Smoking on any Fanshawe campus;
- Illegal use, possession, or distribution of a controlled or restricted substance;
- Contravention of provincial liquor laws or the policies of the College governing the possession, distribution, or consumption of alcohol on the premises of the College;
- Entry upon premises of the College or involvement in any College activity in a state of intoxication or while under the influence of any substance prohibited by the Controlled Drugs and Substances Act.

1.13. Visitors

Failure to properly monitor the activities of a visitor whom the student invited to a College facility or failure to report misconduct by the visitor.

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*Policy No. & Title:* A130: STUDENT CODE OF CONDUCT

*Addendum:* **Standard D: SANCTIONS**

*Issued by:* Executive Director, Student Wellness, Accessibility and Belonging

*Effective:* 2024-02-01

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## 1. DISCIPLINARY SANCTIONS

The College may impose one or more of the following sanctions where a Student has been found to have breached the Code. Penalties imposed for misconduct are appropriate to the nature and seriousness of the offence and take into account the student's offence history.

### 1.1. Warning or Temporary Dismissal

- Disruption of College activities, including instructional activities.
- May be dealt with by a College Official who may issue a Warning, or, as appropriate, order a Temporary Dismissal of the student from the relevant area.

Such Temporary Dismissals are for a period not exceeding one College business day and are reported immediately to Campus Security Services.

### 1.2. Violation Notice

In instances where the conduct in question or its effect is minor in nature, a Violation Notice:

- May be issued by a member or agent of Campus Security Services in lieu of or in addition to initiating any other proceedings under this Code;
- Is given to the individual and a copy filed with the CCC;
- May be considered in the review by the CCC of any subsequent incidents involving the student.

When a student disagrees with a Violation Notice, the student may request a meeting with the CCC. Multiple Violation Notices may result in a more serious sanction.

### 1.3. Written Warning

A Written Warning is a notice issued by the CCC advising the student that:

- It has been determined that a violation of the Code has occurred and that the incident has been documented;
- The student's conduct (act or omission) constituted a violation in contravention of the Code; and
- Further incidents may result in Code sanctions.

### 1.4. Behavioural Contract

A Behavioural Contract:

- Is a signed agreement between a student and the College through the CCC;
- May be developed by the CCC through collaboration with academic and other areas of the College as necessary;

- Specifies conditions which must be met by the student before they may return to class, placement, or participate in a College-approved activity.

Failure to meet the terms of the contract may result in Conduct Probation, Suspension or Expulsion of the student.

If an agreement cannot be reached between the student and CCC, or if a student refuses to sign the Behavioural Contract, the CCC shall impose a sanction of Conduct Probation.

The Behavioural Contract or conditions of the contract may be reviewed after an appropriate period of time, as specified in the contract, at the request of the Student to the CCC.

#### 1.5. Conduct Probation

Conduct Probation is an order that:

- Is designed to permit the student to attend classes, laboratories, and placements;
- Is normally limited to campus activities; and
- May include specific terms and conditions.

A Student who is on Conduct Probation is subject to Suspension or Expulsion if there are any further breaches of Code, other College codes or policies, or the Conduct Probation order.

#### 1.6. Restitution Order

A Restitution Order is an order requiring the student to compensate the College, a member of the College Community, or any other affected party for loss or damage to property.

The Student's Academic Record is subject to an encumbrance until the CCC is provided with satisfactory evidence that the student has been complied with such an order, or that arrangements satisfactory to the College have been made to comply with the order.

#### 1.7. Suspension

##### 1.7.1. *Short Term Suspension*

A Short Term Suspension is an order suspending the student from participation in all or specified College activities, courses, or programs for a designated number of 1 to 5 College business days. When determining the duration of the Suspension, any time spent on an Investigative Suspension order may be taken into consideration, at the discretion of the CCC. Furthermore, with the exception of residence students, and unless otherwise specified, no student shall be allowed to physically access the College Campus and any contravention thereof may lead to more severe sanctions being imposed.

- Residence students will have limited access to the Residence and food services.
- Electronic access to College online services may be discontinued during this period as the CCC or the Campus Security Services Manager or designate may determine to be appropriate.
- A Short Term Suspension is not imposed at a time that coincides with final exams or final tests and will not interfere with due dates for final culminating projects. To avoid interference with final exams or tests and final culminating projects, a student

continuing their studies and returning to the College may receive their imposed sanction during the subsequent academic semester. A student graduating and not returning to the College in the subsequent semester will have the Suspension imposed during convocation and the student is not permitted to attend graduation but will receive their credentials.

#### 1.7.2. *Long Term Suspension*

A Long Term Suspension is an order requiring a student to withdraw from an individual course or all courses in which the student is enrolled and which prohibits participation in any College activities or any combination of these for a period not less than the end of the current semester in which the student is enrolled and which may extend up to one academic year. When determining the duration of the Suspension any time spent on an Investigative Suspension Order may be taken into consideration at the discretion of the CCC.

- This penalty will usually result in automatic failing (F) grades in affected courses in which the student is registered, and no fees will be refunded for that semester.
- The opportunity to receive a "W" ("withdrawn") grade is also forfeited. In some cases, the Suspension may be deferred to the next semester.
- If the student is currently in Residence, the student will be removed from Residence with no refund of Residence fees for that semester.
- Electronic access to College online services may be discontinued during this period as the CCC or the Campus Security Services Manager or designate may determine to be appropriate.

#### 1.8. Expulsion

Expulsion is an order that:

- Immediately terminates the student's contractual relationship with the College;
- Expels the student from all College programs, courses, and activities;
- Results in automatic failing (F) grades in all courses in which the student is registered, and no fees will be refunded for that semester;
- Denies the student the opportunity to receive a "W" ("withdrawn");
- If the student is currently in Residence, the student will be removed from Residence with no refund of Residence fees for that semester; and
- Is issued by the Registrar.

Formal communication to the student of the Expulsion, on the recommendation of the CCC and - where appropriate - the Academic Manager of the student's program, is issued by the Registrar detailing the conditions of the Expulsion. A Student who is expelled under this provision may reapply to the College as defined in policy A108: Admission of Students to Full-Time Post-Secondary Programs.

### 1.9. Prohibition

Prohibition is an order:

- Issued by the Registrar, on the recommendation of the CCC and the Academic Manager of the former student's program;
- That prohibits former students who breached the Code while they were students, from participating in any College programs, courses, and activities.

The duration of this sanction may be indefinite or for a specific period at the discretion of the Registrar, dependent on the circumstances resulting in this sanction.

A former student who has been issued a Prohibition order under this provision may reapply to the College as defined in policy A108: Admission of Students to Full-Time Post-Secondary Programs.

### 1.10. No Trespass Order

In situations where an Expulsion, Prohibition, Suspension or Investigative Suspension Order is imposed, the person under this Code who imposed the sanction may also authorize the delivery of a notice under the Trespass to Property Act advising the student or former student that they must not trespass on College property.

### 1.11. Conditions

Any sanction under this Code may be subject to the student satisfying such conditions as are reasonable in the circumstances. A student may also be required to satisfy such conditions as are reasonable in the circumstances prior to a decision at any level of the process being made on an appropriate sanction under this Code.

## **2. NON-DISCIPLINARY SANCTIONS**

### 2.1. Investigative Suspension Order

The CCC or Campus Security Services Manager or designate may impose an Investigative Suspension Order on a student pending an investigation of a complaint of Major Misconduct. During a period of an Investigative Suspension Order, a student may be restricted from attending classes or other College activities, may be denied physical access to specified College facilities, or may be denied other privileges for which the student might otherwise be eligible, as the CCC or Campus Security Services Manager or designate may determine to be appropriate. Electronic access to College online services may be discontinued during this period as the CCC or the Campus Security Services Manager or designate may determine to be appropriate.

The CCC or Campus Security Services Manager or designate will consult with the Academic Manager of the program in which the student is registered and with any other relevant stakeholders and will complete the investigation as promptly as possible in the circumstances. An Investigative Suspension Order may be imposed where:

- It is reasonably necessary to ensure the safety or well-being of members of the College Community or to ensure the preservation of property of the College or of a member of the College Community; or
- It is reasonably necessary to ensure the student's physical or emotional safety or well-being; or

- There are reasonable grounds to suspect that the student poses a threat of disruption or interference with the normal operations of the College or the rights of members of the College Community to use and enjoy the College's learning and working environment and facilities.

At the conclusion of the Investigative Suspension Order the duration of the Investigative Suspension Order may be applied to reduce the duration of any disciplinary Suspension related to the incident.

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*Policy No. & Title:* A130: STUDENT CODE OF CONDUCT

*Addendum:* **Procedure 1: COMPLAINTS**

*Issued by:* Executive Director, Student Wellness, Accessibility and Belonging

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## 1. COMPLAINT PROCEDURE

This procedure outlines the process that an individual follows to initiate and proceed with a complaint alleging that a student has breached policy A130: Student Code of Conduct.

### 1.1. The Parties

The parties to a complaint are:

- The complainant: an individual who makes a complaint pursuant to this Code, and
- The respondent: an individual named in a complaint who is alleged to have violated this Code.

### 1.2. Time Limits

Complaints should be initiated as soon as possible, but no later than 20 College business days after the circumstances giving rise to the complaint. In extenuating circumstances, a complaint filed beyond 20 College business days may be considered. All other time limits prescribed in this procedure may be extended with the agreement in writing of the parties or by the CCC where reasonable circumstances exist for extending the time limits. In such circumstances, the parties will be advised of the reasons and notified of the duration of the extension.

### 1.3. Assistance for the Parties

- 1.3.1. Individuals involved in the complaint process at any stage, while not required, may seek assistance or support from or be accompanied by another support person of their choice (for example, a trusted friend or a member of the executive of the Fanshawe Student Union).
- 1.3.2. The role of the support person is to act as a resource and provide support and advice to the party. The support person is not permitted to speak or advocate on behalf of the party. In the event that a party chooses to retain legal counsel, a language interpreter, or another paid advisor, as their support person, the individual shall be solely responsible for the cost incurred.
- 1.3.3. Where appropriate, the CCC provides complainants, respondents, and others affected by the investigation with information regarding counselling services available through the College or through outside agencies.
- 1.3.4. If they choose, students who identify as Indigenous have the right to support from and consultation with the Institute of Indigenous Learning.
- 1.3.5. If they choose, students who have an existing accommodation with Counselling and Accessibility Services may request supports related to their accommodation.
- 1.3.6. In ensuring that all complaints are addressed fairly, we recognize the right of students to bring complaints to the Ontario Ombuds.

#### 1.4. Stages of the Complaint Process

The following process applies to complaints made pursuant to this Code. Where the complainant so desires, a complaint may be withdrawn at any time during the complaint process. Where circumstances warrant, the College may continue to act on an issue arising in a complaint even when it has been formally withdrawn.

##### 1.4.1. *Precipitating Event*

When a student breaches or is suspected of breaching the Code, the College Official who observes, suspects, or has a report of the breach shall take appropriate action. In the case of Minor Misconduct, an Oral Warning/Temporary Dismissal or Violation Notice may be issued by the College Official.

##### 1.4.2. *Complaint Procedure*

Any person may notify a College Official of an alleged violation of the Code and they will notify the Campus Security Services. Complainants should report incidents as soon as possible following the occurrence of events that give rise to the complaint. Complainants may utilize an anonymous complaint mechanism, which permits concerns to be submitted anonymously. The CCC will receive and review submissions for appropriate follow-up and action. Complainants must acknowledge the limitations of an anonymous reporting process, including extent to which a complaint can be addressed. If the complainant is a student, they should report the violation to a contact person e.g. professor, program co-ordinator, security, manager, staff member in service areas. Where appropriate, informal resolution of the complaint is encouraged. Where informal resolution is not appropriate or does not resolve the matter, Campus Security will conduct an investigation.

##### 1.4.3. *Investigation*

Campus Security Services investigates the alleged violation. Campus Security Services will notify the respondent that a complaint has been filed against them. In conducting the investigation, Campus Security interviews the complainant, any witnesses, and the respondent. Prior to an interview, Campus Security will also inform the complainant, respondent, and witnesses that they may be accompanied by a support person as described in section 1.3. During the respondent interview, details of the complaint will be provided and the respondent will be provided an opportunity to respond to the allegations against them. Campus Security completes an investigation report setting out the findings of the investigation as soon as possible and forwards it to the CCC. Every effort will be made to provide an investigation report within 10 College business days of receipt of the complaint. Campus Security Services informs both the Associate Dean and the CCC when an investigation has been initiated.

In the event of alleged Major Misconduct, the CCC or Campus Security Services Manager or designate may impose an Investigative Suspension Order in accordance with the Code. The Investigative Suspension Order remains in place until removed by either the CCC or the Campus Security Services Manager or designate.

##### 1.4.4. *Meeting*

The CCC notifies the respondent in writing, within 5 College business days of receiving the Investigative report, of the allegations against them, and provides the respondent with an

opportunity to respond to the allegations either as a written submission or at a meeting with the CCC. At this point, there is opportunity for informal resolution, subject to acceptance of responsibility by the respondent. If the respondent does not accept responsibility, a written response to the allegations should be submitted to the CCC.

For purposes of a Violation Notice, a respondent may request a meeting within 5 College business days of receiving the notice from Campus Security Services.

If the respondent does not provide a written submission in response to the allegations or does not meet with the CCC after having been given a reasonable opportunity to do so, the CCC may proceed to adjudicate the complaint without such a response or meeting.

If the respondent raises new facts or other issues that may be relevant to the resolution of the matter, the CCC may request further investigation into the newly raised issues by referring the matter back to Campus Security Services to conduct further investigation and to issue a revised investigation report. The CCC is under no obligation to issue a decision on the complaint until any newly raised fact or other issue has been investigated and resolved to the satisfaction of the CCC.

#### 1.4.5. *Finding*

The CCC reviews the information from the investigative report provided by Campus Security Services, including any additional investigative information provided by Campus Security Services. Based on this information, the CCC makes a decision as to whether the respondent is responsible or not responsible.

In determining if there has been a violation of the Code, the decision is based on a balance of probabilities, meaning the evidence shows it is more likely than not the alleged violation occurred.

#### 1.4.6. *Sanction*

Where there has been a finding that the respondent's conduct violated the Code, the CCC may impose an appropriate sanction or sanction(s) as soon as possible, having regard to all the relevant circumstances including, but not limited to, the seriousness of the offence, the impact of the misconduct on the College, the College Community or any individual specifically affected by the misconduct, prior violations of the Code or other College codes or policies, and the impact of the penalty on the respondent's education. While considering possible sanctions, the CCC will consult and possibly involve the appropriate Associate Dean or Dean and may consult with other relevant stakeholders in determining the appropriate sanction(s).

The CCC may direct that a sanction commences at the beginning of the respondent's next term if a respondent's registration at the College is interrupted for any reason.

The decision of the CCC, with brief reasons for the decision, is communicated in writing to the respondent by way of a Conduct Report. The Conduct Report shall include a brief description of any referral to the Registrar under this section, along with the result of the referral.

Where the CCC is of the view that Expulsion or Prohibition is the appropriate sanction, the CCC informs the Registrar in writing of the proposed sanction, including the reasons why the

CCC has determined it would be appropriate. The CCC also provides the Registrar with a copy of the investigative report. If the Registrar agrees that Expulsion or Prohibition is the appropriate sanction, the Registrar imposes the sanction on the respondent. If the Registrar does not agree that Expulsion or Prohibition is appropriate, the Registrar remits the matter to the CCC who shall decide upon a lesser sanction. In coming to their decision, the Registrar may, in their sole discretion, choose to meet with the respondent prior to issuing a decision.

If a respondent who was placed on an Investigative Suspension Order missed tests or the due dates for assignments during the period that the Order was in place, the following principles apply after the investigation has been completed:

- If no sanction is imposed, the respondent is provided the opportunity to write any missed test and to hand in any missed assignment and is supported in making up any other academic requirements and opportunities missed during the Suspension.
- If a sanction other than Suspension, Expulsion or Prohibition is imposed, the respondent is also provided the opportunity to write any missed test and to hand in any missed assignment and is supported in making up any other academic requirements and opportunities missed during the Suspension.
- If a Short Term Suspension is imposed, the respondent is permitted to write any missed final tests or final exams and to hand in any final culminating projects only, all other tests and assignments cannot be made up in any way.
- If a Long Term Suspension, Expulsion or Prohibition is imposed, the respondent is not permitted to write any missed test or hand in any missed assignment.

## **2. CONFIDENTIALITY**

- 2.1. Confidentiality with respect to complaints will be maintained to the greatest extent possible, having regard to the circumstances giving rise to the complaint and subject to the College's obligation to conduct a thorough investigation and subject to the requirements of the law.
- 2.2. Parties and witnesses are expected to keep information discussed confidential (aside from discussing the information with their personal advisor and close family members/ or partner). Unwarranted breaches of confidentiality will result in disciplinary action or sanctions.
- 2.3. Confidentiality with respect to the findings and the sanction will be maintained, except to the extent necessary to implement and/or defend, or as required by law.

## **3. STATUS OF STUDENT PENDING OUTCOME OF INVESTIGATION**

While an investigation is pending, the respondent should continue in their academic studies as normal, unless they are subject to an Investigative Suspension Order as described in Standard D: Sanctions, section 2.1.

## **4. PROTECTION FROM REPRISALS**

In order to protect individuals who make use of this policy or participate in proceedings as part of the appeals procedure, the College prohibits reprisal or threat of reprisal against these individuals. Individuals who violate these provisions are subject to discipline or other corrective action.

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*Policy No. & Title:* A130 – STUDENT CODE OF CONDUCT*Addendum:* **Procedure 2: Appeal***Issued by:* Executive Director, Student Wellness, Accessibility and Belonging*Effective:* 2024-02-01

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## 1. CONDITIONS OF APPEAL

This procedure outlines the process that a student may follow to appeal the outcome of a sanction resulting from this policy or P104: Sexual Violence and Sexual Assault.

### 1.1. Grounds for Appeal

1.1.1. The student may appeal the CCC’s decision on one or more of the following grounds:

- there was a serious procedural or factual error which was prejudicial to the student, and/or
- new evidence or documentation, not available at the time of the earlier decision, has been discovered, which casts doubt on the correctness of the decision, and/or
- the sanction imposed is not consistent with the nature of the offence.

### 1.2. Onus

The onus for the appeal is on the student to substantiate the grounds for the appeal as described in 1.1 above.

### 1.3. Right of Appeal

A student's right of appeal of a decision of the Code of Conduct Coordinator (CCC) may be made to the Executive Director, Student Wellness, Accessibility and Belonging (the “Executive Director”), or designate, and must be exercised no later than 10 College business days of their receipt of the Conduct Report.

Appeals will be conducted by the Executive Director or designate in accordance with section 2 below.

### 1.4. Appeal Support

Prior to initiating an appeal, a student is encouraged to seek guidance from the Fanshawe Student Union regarding the issue itself or the appeal process. This action may clarify issues and options for the student.

## 2. APPEAL PROCESS

2.1. To initiate an Appeal, the student shall:

2.1.1. Initiate the appeal process online by submitting a completed Appeal Form ([Code of Conduct Appeal form link](#)) to the Executive Director within 10 College business days of receipt of the written decision from the Code of Conduct Coordinator. When writing the required appeal letter, a student must address all of the following:

- the grounds under which they are making the request; and

- the supporting documentation and rationale that will be used to support the argument that the decision being appealed was wrong or unfair; and
- the requested resolution.

## 2.2. Administrative Responsibilities

- When the Executive Director receives an Appeal of a Student Conduct Report, the Executive Director will determine whether the completed Appeal substantiates the indicated grounds for an appeal within five (5) College business days.
- If the Executive Director deems the appeal *does not meet* one or more of the grounds for the appeal, then they will notify the student in writing that they need to provide supporting documentation to validate their grounds for an appeal within five (5) College business days, or that the request for an appeal will be denied. Should the Executive Director deny grounds for an appeal, the Executive Director will make this decision in consultation with the Vice-President, Students, Employees & Culture. This decision will be binding and final. Only appeals approved by the Executive Director that are based on substantiated grounds will proceed.
- If it is deemed that the appeal *does meet* one or more of the grounds for appeal, then the student will be granted an Appeal Hearing.

## 2.3. Appeal Hearing

- 2.3.1. An Appeal Hearing will be convened within 10 College business days, and any other details necessary for an expeditious and fair hearing.
- 2.3.2. The appeal will be held in private, and all proceedings will be confidential. The Appeal Hearing Committee will review the documentation related to the Code of Conduct decision, and may seek information from any other source, as it deems relevant including any new evidence or supporting documentation.
- 2.3.3. The decision of the Appeal Hearing Committee shall be binding and final.
  - The Appeal Hearing Committee shall:
    - ◆ Make a binding decision, including remedy, concerning the matter(s) within 3 College business days of the conclusion of the Appeal Hearing.
- 2.3.4. Any changes to be made to the student's permanent record shall be transmitted to the Office of the Registrar on the Student Record Change Report form which shall be completed and signed by the Executive Director.

## 2.4. Support Persons and Interpreters

- 2.4.1. The student or the College official responding to an appeal may seek assistance or support from, or be accompanied by, another person of their choice. Examples: a trusted friend, a member of the Student Union (see FSU.ca), a member of the Indigenous Institute of Learning, a Counsellor etc.
- 2.4.2. The role of the support person is to act as a resource and provide support and advice to the party. Except as provided in the next paragraph, the support person is not permitted to speak for or advocate on behalf of the party.

- 2.4.3. The support person may, during the Appeal, request brief recesses to speak privately with the student. Such recesses are not permitted to unduly delay the meeting.
- 2.4.4. A support person is prohibited from acting in the capacity of a lawyer or paralegal while attending an appeal meeting.
- 2.4.5. Where appropriate, at the request of the student, an interpreter may also attend an appeal meeting. Where the interpreter is required as part of an accommodation (e.g. ASL) the College will provide this service. In the case of a foreign language interpreter, the College will facilitate contact with a third-party and impartial company, to be retained at the cost of the student.
- 2.4.6. When a support person or an interpreter will be attending an appeal meeting, the party must advise the Executive Director of the identity and contact information of such persons at least 3 College business days in advance of any meeting.

### **3. DELAYS AND TIME LIMITS**

Time limits outlined in the Code may be extended by:

- the mutual consent of the student and Fanshawe College, or;
- circumstances outside of the College's control which may require such a delay.

Delays should not substantially prejudice either party. The failure to meet a time limit prescribed by the Code does not render any sanctions assigned via the Code process void. The Executive Director or the Appeal Hearing Committee may consider a failure to meet prescribed timelines in considering an appropriate outcome.

### **4. PROTECTION FROM REPRISALS**

In order to protect individuals who make use of this policy or participate in proceedings as part of the appeals procedure, the College prohibits reprisal or threat of reprisal against these individuals. Individuals who violate these provisions shall be subject to discipline or other corrective action.

### **5. STATUS OF STUDENT PENDING OUTCOME OF APPEAL**

Students must continue to comply with the sanctions as stated until the appeal has been decided.

While under investigation for alleged misconduct that may result in suspension or expulsion, or awaiting the outcome of any Appeal of a determination relating to the alleged misconduct, the student will not be issued transcripts directly, but at the student's request, transcripts will be sent directly to institutions or potential employers. If the student is subsequently suspended or expelled, the recipients of the transcript will be issued a revised transcript.

If a student withdraws from the College or completes his/her term of registration before or while under investigation for alleged misconduct that is alleged to have occurred while he/she was a student or while awaiting the outcome of an Appeal, the College may, at its discretion, decide to proceed with or complete an investigation or Appeal.

*Policy No. & Title:* A130: STUDENT CODE OF CONDUCT

*Addendum:* **Standard E: DEFINITIONS**

*Issued by:* Executive Director, Student Wellness, Accessibility and Belonging

*Effective:* 2024-02-01

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*Committee of Review:* means a Committee constituted by the Executive Director to hear the Appeal of a decision.

*Behavioural Contract:* A signed agreement between the student and the College through the Code of Conduct Coordinator (CCC).

*Code:* The Fanshawe College Student Code of Conduct (i.e., this policy).

*Code of Conduct Coordinator (CCC):* A person appointed by the Executive Director to be responsible for administering the Student Code of Conduct.

*College Business Day:* Any day of the week except Saturday, Sunday, a statutory holiday, or a holiday defined in the Academic Calendar.

*College Campus:* Any real property, including the grounds, buildings, structures, and facilities, that is owned, leased, licensed, operated or used under the control of the College.

*College Community:* Includes employees, students, members of the Board of Governors, members of committees established by the College, volunteers, contractors, individuals providing service or research, individuals who use or rent College facilities, visitors, applicants or guests.

*College Official:* Includes Deans, Associate Deans, Directors, Managers, the CCC, faculty, and other staff responsible for directing the activities of students, and members or agents of Campus Security Services, or the designated representative of any of the foregoing.

*Complainant:* A member of the College Community who has reason to believe that a student has committed an offence and who makes a complaint or initiates a procedure under the Code.

*Conduct Probation:* An order issued to a student containing specific terms and conditions.

*Conduct Report:* The form that sets out the decision with respect to a complaint under the Code.

*Encumbrance:* A notation on a student's academic record that may result in the withholding of student's grades or other indicators of academic attainment, which may also include the withholding of transcripts, and denial or termination of registration, until the CCC is provided with satisfactory evidence that the condition giving rise to the encumbrance has been complied with, satisfied, or no longer applies, or that arrangements satisfactory to the College have been made to comply with or satisfy the condition.

*Expulsion:* An order which immediately terminates any contractual relationship with the College and terminates all College activities.

*Indigenous person:* A member of the College Community who identifies as one the original people/inhabitants of Canada - First Nations, Inuit, and/or Métis.

*Investigative Suspension Order:* An order that may be imposed on a student pending an investigation of a complaint of Major Misconduct where the safety of a College Community member, including the

student suspended, may be at risk. Such an order may prohibit a student from attending academic programs and College activities for the duration of the order.

*Local Address:* Any address for a student that is recorded in the College's registration records for which there are reasonable grounds to believe that correspondence sent to that address will come to the attention of or be forwarded to the student in a timely fashion.

*Long Term Suspension:* An order requiring a student to withdraw from an individual course or all courses in which the student is enrolled, and prohibiting participation in any College activities or any combination of these for a period not less than the end of the current semester in which the student is enrolled and may extend up to one academic year.

*Meeting:* A meeting of the CCC and the student accused of violating the Code that gives the student an opportunity to present evidence that explains event or disputes the allegation(s). This meeting may be in person or through other means.

*Major Misconduct:* Conduct that breaches the student's express or implied obligations as set out in the Code, and that is threatening, aggressive, harassing, violent, harmful, or potentially harmful to property or individuals. It also includes recurring Minor Misconduct.

*Minor Misconduct:* Conduct that breaches the Student's express or implied obligations as set out in the Code and that does not fit the definition of Major Misconduct.

*Office of the Registrar:* The College department vested with the custody and control of student permanent academic records, and the authority to issue suspensions, expulsions and prohibition orders.

*Permanent or Home Address:* The address recorded in the College's registration records as the address for the student.

*Prohibition:* An order which prohibits former students from participating in all College activities.

*Restitution Order:* An order requiring a student to make compensation.

*Student:* For the purposes of this policy, an individual who has accepted admission to a course or program at the College and remains active until that person has completed, successfully or unsuccessfully, the course, or has graduated from the program. Notwithstanding the foregoing, where a complaint has been made against an individual for behaviour that is alleged to have occurred while the individual was a student, the individual will be deemed to be a student for the purposes of the Code only until the complaint and appeal processes have been completed.

*Short Term Suspension:* A sanction that prohibits a student from attending academic programs and College activities for a period of 1 to 5 College business days.

*Violation Notice:* A written notice that may be completed, given to a student, and filed with the CCC regarding any minor conduct that is reasonably perceived by a College Official to be contrary to the Code.

*Warning or Temporary Dismissal:* A sanction that may be issued to a student for disruption of College activities, including instructional activities.

*Written Warning:* A written notice issued by the CCC.