

Student Affairs

Procedure #6-100

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Student Code of Conduct

1. PURPOSE

The purpose of the Student Code of Conduct is to define the responsibility of all Georgian College and University Partnership Centre students to act in a manner that respects the rights, safety and wellbeing of others. The Code defines the general standard of conduct expected of students, provides examples of non-academic conduct that may be subject to disciplinary action by the college, sets out the disciplinary sanctions that may be imposed, and describes the disciplinary procedures that the college will follow. Academic misconduct is addressed through the academic misconduct procedure within the Academic Policies and Procedures.

Every effort should be made to address minor misconduct informally. The intent of the Code is to provide a framework to resolve issues when civility and respect for the rights of others break down and informal resolution is not possible. In exercising its authority under this Code of Conduct, 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.

In the context of this Code, the goal and responsibility of Georgian 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. Identifying quickly and responding effectively to instances of non-academic misconduct is vital to maintaining a respectful and inclusive learning environment. The Code includes coverage of incidents that occur both on and off campus, which may affect the Georgian workplace, living and study environment.

2. THE PROCEDURE

2.1. Scope of Code

- 2.1.1. In the exercise of its disciplinary authority and responsibility, the college treats students as free to organize their own personal lives, behaviour, and associations, subject to all local, municipal, provincial, and federal laws, and the policies or procedures of the college, including this Code of Conduct.
- 2.1.2. 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, as well as during the academic year and during periods between terms of actual enrollment.
- 2.1.3. Nothing in this Code shall 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 and working environment and facilities.
- 2.1.4. Whenever appropriate, the college encourages informal resolution of minor misconduct.
- 2.1.5. Professional organizations and associations affiliated with specific college programs may have standards of behaviour or a specific code of ethics which students may be responsible to understand and comply with. Any violations of the foregoing standards will be dealt with in accordance with the professional organization or association. Where breach of the foregoing standards is also a breach of this Code of Conduct, the student may be subject to disciplinary actions under this Code as determined by the academic Dean or designate or the Director of Campus Safety and Security.
- 2.1.6. This Code applies to:
 - 2.1.6.1. All conduct that occurs on the college campus.
 - 2.1.6.2. 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.
 - 2.1.6.3. Off-campus conduct which adversely affects the rights of a member of the College community to use and enjoy the college's learning 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 objects, mission or vision.
- 2.1.7. 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 Safety and Security before, during, or after disciplinary action is taken by the college under this Code.

- 2.1.8. All students are also subject to all local, municipal, provincial, and federal laws, and/or civil proceedings notwithstanding, and in addition to, disciplinary action taken by the college.
- 2.1.9. Where the circumstances giving rise to a complaint are also the subject matter of another college policy or procedure, or Codes from affiliated organizations, such as the Ontario College Athletic Association (OCAA) or the Residence (Campus Living Centres), the Dean will work with the administrator responsible for the other policy/procedure or Code to determine under which policy/procedure or Code the matter shall be dealt with first.
- 2.1.10. Where the subject matter of the complaint is more appropriately dealt with under another college policy or procedure, the Dean or relevant Department Administrator may exercise discretion not to deal with the complaint and recommend that it be dealt with and decided under the other policy or procedure.

2.2. Student Rights

- 2.2.1. All students of the Georgian community have the right to live their lives, to study, to learn and to work without unreasonable interference, disruption, or upset caused by the actions of another person.
- 2.2.2. All Georgian students have the right to be treated in a manner which is respectful, honest, and free from discrimination or harassment on protected grounds.
- 2.2.3. 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. 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.
- 2.2.4. Students have a right to have college rules and regulations, and in particular this Code, 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.

- 2.2.5. Students shall have certain procedural rights as set out herein. The procedural rights include giving the student an opportunity to respond to the allegations against her/him and the right to appeal.

2.3 Responsibilities:

2.3.1 Students

All students have a responsibility to be aware of policies and codes that guide expectations of conduct in the various environments where students engage in college-related activity. It is expected that community members will treat each other with mutual respect and in a way that does not adversely affect the rights of others, whether on or off college property. Where this expectation is violated and not resolvable informally, formal processes will be engaged. Students will be held accountable for the behaviour of their guests under this Code. 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 and/or objectives of the college.
- Not endangering the health, safety, rights, or property of the college or college community members.

Breach of these responsibilities may result in disciplinary sanctions.

Students are required to attend all meetings scheduled by college officials in the application of this Code. If the student does not attend scheduled meetings nor submit a written response after having been given a reasonable opportunity to do so, the Code will be administered without such a response or meeting. Students may also be placed on Investigative Suspension, prohibiting them from attending class or other college activities until such time that they attend a scheduled meeting. See Investigative Suspension Order, section 2.6.

College employees are required to report breaches of this Code and to inform students of their rights and responsibilities, as well as their right to appeal decisions governed by this Code. Specific responsibilities include:

2.3.2 Vice President, Student Success and Corporate Services

The Vice President is responsible for oversight of the Student Code of Conduct including:

- Communication of findings in formal procedures
- Ensuring the provision of education and awareness to students and college community
- Preparation of reports as required for the college community
- Liaison with students and staff regarding student behavioural issues
- Oversight of affiliated procedures e.g. Appeals, Complaints, including determination of

the right to appeal and appointing a Chair of Appeal Panel

2.3.3 Deans and Associate Deans

The Deans and Associate Deans are responsible for:

- Ensuring orderly and safe operation of activities within areas of responsibility through informal resolution and management of minor complaints and behaviours
- Acting immediately on observations or allegations of breaches of this Code
- Reporting any Code violations to Campus Safety and Security, as appropriate
- Recommending sanctions in consultation with the Registrar, Executive Director Student and Learning Services and/or Director of Campus Safety and Security, as appropriate
Administering sanctions of a minor nature (e.g. warnings, reduction in privileges), and consulting with Executive Director Student and Learning Services, Registrar and/or Director of Campus Safety and Security as appropriate for Code violations

2.3.4 Dean of Students

The Dean of Students is responsible for:

- Advising on sanctions in consultation with Associate Dean or Dean, Registrar and Director of Campus Safety and Security
- Convening the Student of Concern Committee, when appropriate, to advise on sanctions
- Informing students of their right to appeal and their right to appropriate supports to assist with appeal process
- Providing education and awareness to students on the Code and affiliated procedures e.g. Appeals, Complaints
- Liaising with students and staff regarding student behavioural issues
- Coordination and scheduling of participants for conduct hearings and appeals

2.3.5 The Registrar

The Registrar is responsible for:

- Application and communication of sanctions that require suspension notice or change in academic status
- Maintenance of student records, including formal record of sanctions as reported by Director of Campus Safety and Security
- Consulting with Deans, Associate Deans, Dean of Students or Director of Campus Safety and Security, as appropriate, to determine student sanctions and conditions for suspension and return to study
- Recommending lesser sanctions where appropriate e.g. if a recommended sanction is inconsistent with college-wide practice

2.3.6 Director of Campus Safety and Security

Director of Campus Safety and Security or delegate is responsible for:

- Receipt and processing of conduct complaints, including complaints that may affect the rights, safety and security of other members of the college community

- The management of violations and issuance of violation notices
 - Assistance with resolving immediate misconduct issues
 - Investigation of all violations
 - Management of student violation reports and non-academic incident reports
 - Preparing conduct reports
 - Assistance with the enforcement of sanctions
 - Management of all imminent threat or dangerous conduct
 - Preparing an Annual Report of conduct incidents to be presented to College Council and to Georgian College's Student Association
- Management of the complaints process based on the grounds of discrimination, as outlined in Georgian's Human Rights Policy, and the Ontario Human Rights Code

2.3.7 Department Administrators

Administrators are responsible for:

- Being familiar with this Code and to ensure employees are informed about its existence
- Acting immediately on observations or allegations of breaches of this Code
- Ensuring orderly and safe operation of activities within areas of responsibility through informal resolution and management of minor complaints and behaviours
- Reporting any Code violations to the Office of Campus Safety and Security, as appropriate
- Administering sanctions of a minor nature (e.g. warnings, reduction in privileges), and consulting with the Dean of Students, Registrar and/or Director of Safety and Security as appropriate for Code violations

2.3.8 Campus Principals or Managers

In addition to those responsibilities outlined above for administrators, at campus sites where a Campus Manager or a Campus Principal roles exist, at the discretion of the Director of Campus Safety and Security, these managers may be delegated some of the responsibilities of the Safety and Security office in this procedure such as:

- Assigning minor violation notices
- Assisting with investigation of violations, and
- Assisting with enforcement of sanctions
- Referring issues to the Director of Campus Safety and Security, as appropriate, or to the academic Dean or the Dean of Students

2.3.9 Employees

Employees and others responsible for directing the activities of students are responsible for:

- Being familiar with this Code and its procedures and to inform students about its existence
- Acting immediately on observations or allegations of breaches of this Code
- Ensuring orderly and safe operation of activities within areas of responsibility through informal resolution and management of minor complaints and behaviours

- Reporting any Code violations to an administrator in area of responsibility

2.3.10 Community Members

Community members on campus or engaging in college activity are responsible for:

- Reporting incidents of apparent violations of this procedure to a college official
- Cooperating in the investigation, and/or resolution of complaints pursuant to this Code

2.4 Examples of Prohibited Conduct

The following list sets out specific examples of prohibited conduct. This list is not meant to be exhaustive.

2.4.1 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 their legitimate activities, whether or not it involves speaking or associating with others.

2.4.2 Misconduct against persons and dangerous activity,

Misconduct against persons includes, but is not limited to:

2.4.2.1 Assault, harassment, intimidation, threats, stalking, bullying, and coercion;

2.4.2.2 Sexual assault, sexual harassment, the use of force or physical violence and/or imposing on someone physically to gain sexual access to that person, and coercion to persuade someone to do something they do not wish to do, such as being sexual or performing particular sexual acts (see Sexual Violence Procedure and Protocol #2-122 - GeorgianCollege.ca/about-georgian/campus-safety-and-security/sexual-violence-tab/)

2.4.2.3 Conduct that threatens or endangers the health or safety of any person;

2.4.2.4 Disorderly or indecent conduct;

2.4.2.5 Creating a condition that endangers the health, safety or well-being of any person; and

2.4.2.6 Coercing, enticing, or inciting a person to commit an act that is humiliating or demeaning to that person or to others.

2.4.2.7 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

2.4.2.8 Any unauthorized use of electronic or other devices to make or disseminate an audio or video recording of any person, including lectures and other classroom activities, without their prior knowledge or consent

2.4.3 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:

- 2.4.3.1 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;
- 2.4.3.2 Misappropriation, damage, unauthorized possession, defacement, and/or destruction of facilities or property of the college or the property of others;
- 2.4.3.3 Use of college facilities, equipment, or services contrary to express instruction or without proper authority;
- 2.4.3.4 Misuse of college supplies and documents, including equipment, library and computer resources, keys, records, transcripts and permits;
- 2.4.3.5 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;
- 2.4.3.6 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;
- 2.4.3.7 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.
- 2.4.3.8 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

2.4.4 Acts of Dishonesty

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

- 2.4.4.1 Providing false information to any college official, office, or member of the teaching staff;
- 2.4.4.2 Forgery, alteration, or misuse of any college document or record, or any instrument of identification.

2.4.5 Smoking, Alcohol and Drug Use

- 2.4.5.1 Smoking where smoking is prohibited;
- 2.4.5.2 Illegal use, possession, or distribution of a controlled or restricted substance;
- 2.4.5.3 Contravention of provincial liquor laws or the policies of the college governing the possession, distribution, and/or consumption of alcohol on the

premises of the college;

2.4.5.4 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.

2.4.6 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.

2.4.7 Failure to Comply

2.4.7.1 Failure to comply with directions of a college official or law enforcement officer acting in the performance of their duties and/or failure to identify oneself to such persons when requested to do so.

2.4.7.2 Failure to comply with any sanction imposed by the college for misconduct under this Code.

2.4.8 Contravention of College Policies

Violation of published college policies and affiliated Codes

2.4.9 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

2.4.10 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.

2.4.11 Visitors

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

2.4.12 Abuse of process

Use of college procedure or regulation for the purpose of harming another person in reputation or standing in the college.

2.5 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 will be appropriate to the nature and seriousness of the offence and will consider the student's offence history and/or recommendations from the Student of Concern Committee, as appropriate. Informal resolution and/or mediation are encouraged to address complaints wherever possible and appropriate.

2.5.1 Oral Warning and/or Temporary Dismissal

- Disruption of college activities, including instructional activities.
- May be dealt with by a college official who may issue an oral 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 business day and shall be reported immediately to the Campus Safety and Security.

2.5.2 Written Warning

A written warning is a notice issued by the Director of Campus Safety and Security advising the student that:

- it has been determined that a violation of the Student Code of Conduct has occurred and that the incident has been documented;
- their conduct (act or omission) constituted a violation in contravention of the Code; and
- further incidents may result in Code sanctions

2.5.3 Behavioural Contract

A Behavioural Contract:

- is a signed agreement between a student and the college through Campus Safety and Security, which may be informed through the Student of Concern Committee, as appropriate;
- specifies conditions which must be met and adhered to by the student to return to class, placement, or participation in a college approved activity or to use services or facilities.

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 Campus Safety and Security, or if a student refuses to sign the Behavioural Contract, the sanction of Conduct Probation shall be imposed.

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 Campus Safety and Security.

2.5.4 Conduct Probation

Conduct Probation is an order that:

- is issued by the Director of Campus Safety and Security;
- 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

2.5.5 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 Associate Dean/Dean, Department Administrator or Director of Campus Safety and Security is provided with satisfactory evidence that order has been complied with or that arrangements satisfactory to the college have been made to comply with the Order.

2.5.6 Suspension

2.5.6.1 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 the designated number of 1 to 5 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 Registrar, in consultation with the Department Administrator, Associate Dean/Dean, or Director of Campus of Safety and Security, as appropriate.
- 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 on-line services may be discontinued during this period as the Registrar or the Director of Campus Safety and Security or designate may determine to be appropriate.
- A Short Term Suspension will not be imposed at a time that coincides with final exams/final tests and will not interfere with due dates for final culminating projects. To avoid interference with final exams/tests and final culminating projects, students continuing their studies and returning to the college may receive their imposed sanction during the subsequent academic semester and students graduating and not returning to the college in the subsequent semester will have the suspension imposed during convocation and the Student will not be permitted to attend graduation but will receive their credentials.

2.5.6.2 Long Term Suspension

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 Registrar, in consultation with the Associate Dean/Dean and Director of Campus Safety and Security, as appropriate.
- 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 will also be 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 on-line services may be discontinued during this period as the Registrar or the Director of Campus Safety and Security or designate may determine to be appropriate.

2.5.7 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");
- removes the student from Residence with no refund of Residence fees for that semester;
- is a formal communication issued by the Registrar to the student detailing the conditions of the expulsion;

A student who is expelled under the provision may reapply to the college as defined

2.5.8 Prohibition

Prohibition is an order:

- issued by the Registrar, on the recommendation of the Director of Campus Safety and Security;
- which prohibits former students who breached the Code while they were students, from participating in all 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 through the Office of the Registrar.

2.5.9 No Trespass Notice

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. A written or verbal notice issued by a college official, pursuant to the Trespass to Property Act, may be given under circumstances which have not resulted, and may not result in, an expulsion, prohibition, suspension or Investigative Suspension Order.

2.5.10 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.

2.6 Non Disciplinary Sanction

Investigative Suspension Order

The Director of Campus Safety and Security 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 Director of Campus Safety and Security or designate may determine to be appropriate in consultation with the Associate Dean/Dean or Department Administrator. Electronic access to college on-line services may be discontinued during this period as the Director of Campus Safety and Security or designate may determine to be appropriate.

The Director of Campus Safety and Security or designate will consult with the Associate Dean/Dean 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 and/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 and/or well-being; or
- there are reasonable grounds to suspect that the student poses a threat of, disruption and/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; or
- where a student refuses to cooperate with an investigation by attending a required meeting as part of the investigative process.

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

2.7 Confidentiality

- 2.7.2 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.
- 2.7.3 Parties and witnesses are expected to keep information discussed confidential (aside from discussing the information with their personal advisor and close family members/partner). Unwarranted breaches of confidentiality will result in disciplinary action or sanctions.
- 2.7.4 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.

2.8 Protection From Reprisals

In order to protect individuals who make use of this Code 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.

REFERENCES

In addition to this Code, there are other statutes and academic program and institutional policies, guidelines and regulations that may apply and which may be administered by the Academic Program or where the applicable rules originate. Examples include, but are not limited to:

- Human Rights Complaint Procedure #4-134
- Academic Rights and Responsibilities (Office of the Registrar)
- Information Technology Acceptable Use Procedure #2-117
- Sexual Violence Procedure and Protocol #2-122
- Non-Smoking Procedure #5-106
- Residence Community Standards
- Criminal Code of Canada
- Freedom of Information and Protection of Privacy Act
- Provincial and Municipal Laws and By-laws
- Liquor License Act

ATTACHMENTS

- Appendix 1 – Definitions
- Appendix 2 - Complaint Procedure
- Appendix 3 – Appeals Procedure
- Appendix 4 – Student of Concern Committee

APPENDIX 1

DEFINITIONS

Appeals Committee

A Committee constituted to hear appeals of sanctions imposed by the Director of Campus Safety and Security, Registrar, Dean or other college Administrator

Appeals Hearing

A meeting where the student is given the opportunity to challenge any sanction imposed by the Director of Campus Safety and Security, Registrar, Dean or college Administrator

Appellant

An individual who is requesting an appeal of a decision

Behavioural Contract

“Behavioural Contract” is a signed agreement between the student and the college through Campus Safety and Security.

Business Day

A "business day" includes any day of the week, except Saturday, Sunday, or Statutory Holidays and any holiday as defined in the Academic Calendar.

Campus Manager/Campus Principal

The Manager responsible for a Campus Operation outside of Barrie (e.g. Owen Sound, Orillia, South Georgian Bay, Orangeville, Midland, Muskoka).

Code

"Code" means the Georgian College Student Code of Conduct.

College

"College" means The Georgian College of Applied Arts and Technology.

College Campus

“College campus” means any real property, including the grounds, buildings, structures, and facilities owned or leased/licensed, operated, and/or used under the aegis of the College.

College Community

“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/rent College facilities, visitors, applicants, and/or guests.

College Official

“College official” includes Vice Presidents, Deans, Associate Deans, Registrar, Directors, Managers, faculty, and other staff responsible for directing the activities of students, and members and/or agents of Security Services, or their designated representative of any of the foregoing.

Complainant

"Complainant" includes any 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 this Code.

Conduct Probation

“Conduct Probation” is an order issued to a student containing specific terms and conditions.

Conduct Report

"Conduct Report" refers to the form that sets out the decision with respect to a complaint under this Code

Department Administrator

Any administrator of an academic or non-academic department such as the Manager of Athletics and Fitness, Director of Campus Safety and Security, or the General Manager of Food and Beverage Services.

Encumbrance

An "Encumbrance" is a notation on a student’s Academic Record which 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 Registrar 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

“Expulsion” is an order which immediately terminates any contractual relationship with the college and terminates all college activities.

Hearing Officer

An individual appointed by the Vice President, Student Engagement and University Partnerships to chair the Appeals committee

Investigative Suspension Order

An Investigative Suspension Order is not a sanction under this procedure but 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 or where a student refuses to cooperate in an investigation. The Investigative Suspension Order prohibits a student from attending academic programs and college activities for the duration of the Order.

Local address

"Local address" includes any other addresses for a student that are recorded in the college's registration records in respect of 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 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 may extend up to one academic year.

Meeting

"Meeting" refers to a meeting conducted between the Dean or Department Administrator and the student accused of violating the procedure and gives the student an opportunity to present evidence that explains event or disputes the allegation(s).

Major Misconduct

"Major Misconduct" is conduct which breaches the Students' express or implied obligations as set out in the Student Code of Conduct, and is also threatening, aggressive, harassing, violent, harmful, or potentially harmful to property or individuals. It also includes recurring minor misconduct.

Minor Misconduct

"Minor Misconduct" is conduct which breaches the Students' express or implied obligations as set out in the Student Code of Conduct, which is not deemed to be major misconduct.

Office of the Registrar

The "Office of the Registrar" is the college department which is vested with the custody and control of students' permanent academic records and supporting documentation issued under this Code.

Oral Warning/Temporary Dismissal

An "Oral Warning/Temporary Dismissal" may be issued to a student for disruption of college activities, including instruction activities.

Permanent/home address

"Permanent or home address" means the address recorded in the college's registration records as the address for the student.

Prohibition

"Prohibition" is an order which prohibits former students from participating in all college activities.

Restitution Order

A "Restitution Order" is an order requiring a student to make compensation.

Student

For the purposes of this policy, a "student" is 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 student, the individual will be deemed to be a student for the purposes of the Code of Conduct only until the complaint and appeal processes have been completed.

Short Term Suspension

A "Short Term Suspension" prohibits a student from attending academic programs and college activities for a period of 1 to 5 business days.

Written Warning

"Written Warning" is a notice issued by the Director of Campus Safety and Security.

APPENDIX 2

COMPLAINT PROCEDURE

1. Complaint Procedure

This procedure addresses complaints brought against students arising in non-academic contexts. Informal and formal processes are in place to assess and deal with complaints. The college encourages the informal resolution of disputes, through Department and Campus Administrators or Associate Deans. At any point during the informal process, the person handling the complaint may consult with the Dean of Students or Manager of Conflict Resolution and Investigations (Office of Campus Safety and Security), or may refer the matter to the Dean of Students or Manager of Conflict Resolution and Investigations.

Complaints that occur within a college department or school that are of a non-academic nature may be addressed informally with the Department Administrator or Associate Dean, as appropriate. If a complaint requires investigation and/or may affect the academic standing or progress of a student, the complaint will be referred to the Campus Safety and Security Office for investigation and recommended sanction, if warranted.

1.1. The Parties

The parties to a Complaint are:

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

1.2. Time Limits

Complaints should be made as soon as possible but within no more than twenty (20) business days after the circumstances giving rise to the complaint. In extenuating circumstances, a complaint filed beyond the twenty (20) business day limitation may be considered. All other time limits prescribed in this procedure may be extended with the agreement in writing of the parties or as deemed necessary by the Director of Campus Safety and Security where reasonable circumstances exist for extending

the time limits. In these 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/support from and/or be accompanied by another person of their choice (for example a trusted friend, a counsellor or a member of the executive of the Georgian College Students' Association).
- 1.3.2. The role of the support person is to act as a resource and provide support/advice to the party. The support person will not be permitted to speak or advocate on behalf of the party. In the event that a party chooses to retain legal counsel, or another paid advisor, as their support person, the party shall be solely responsible for the cost incurred.
- 1.3.3. Where appropriate, the Dean of Students, or designate, will provide complainants, students, and others affected by the investigation with information regarding counselling services available through the college or through outside agencies.

1.4. Stages of the Complaint Process

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

Step 1 – Reporting and Informal Resolution

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 Campus Safety and Security, if appropriate. Complainants should report incidents as soon as possible following the occurrence of events that give rise to the complaint. If the complainant is a student, They should report the violation to a contact person e.g. Professor, Program

Coordinator, Security, staff member in service areas. Informal resolution and/or mediation of the complaint is encouraged wherever possible. Where informal resolution is not appropriate or does not resolve the matter, Campus Safety and Security will conduct an investigation. Campus Safety and Security will inform the student that a complaint has been filed against them.

Step 2 - Investigation

1.4.3. Investigation

Campus Safety and Security will notify the student that a complaint has been filed against them. Campus Safety and Security will investigate the alleged violation. In conducting the investigation, Campus Safety and Security will interview the complainant, any witness, and the student, giving the student an opportunity to respond to the allegations against them. During the student's interview details of the complaint will be provided and the student will be given an opportunity to respond to the allegations against them.

Note: In instances where an investigation has been initiated, the Director of Campus Safety and Security or designate may impose an Investigative Suspension Order in accordance with the Code of Conduct. The Investigative Suspension Order will remain in place until removed by either the Director of Safety and Security or designate.

1.4.4. Investigation Report

Campus Safety and Security will complete an investigation report setting out the findings of the investigation as soon as possible and forward it to the appropriate college official. Every effort will be made to provide an investigation report to a college official within ten (10) business days of receipt of the complaint.

Step 3 – Meeting and Informing

1.4.5. Meeting

The student will be informed, within five (5) business days of the conclusion of the investigation the findings of the investigation. During this meeting with Campus Safety and Security which may also include the relevant Dean, Associate Dean or Department Administrator, the student will be given an opportunity to respond to the findings. If the student raises new facts or other issues that may be relevant to the resolution of the matter, the Associate Dean or Department Administrator may refer the matter back to

Campus Safety and Security to conduct further investigations and to issue a revised investigation report. The Associate Dean or Department Administrator is under no obligation to issue a decision until any newly raised fact or other issue has been investigated and resolved.

Step 4 – Decision and Sanction

1.4.6. Finding

The Associate Dean or Department Administrator will review the information from the investigative report provided by Campus Safety and Security and conduct any additional enquiries as necessary. Based on this information, the Associate Dean or Department Administrator will make a judgement with regards to whether or not a violation of the Code has occurred within five (5) business days of receipt of the investigative report.

In determining if there has been a violation of the Code, the judgement will be based on a balance of probabilities, meaning the evidence shows it is more likely than not the alleged violation either occurred or did not occur.

1.4.7. Sanction

Where there has been a finding that the student's conduct violated the Code, an appropriate sanction or sanction(s) may be imposed 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 policies or procedures, and the impact of the penalty on the student's education. While considering possible sanctions, the Associate Dean or Department Administrator may consult with other relevant college officials in determining the appropriate sanction(s). If a sanction will result in an impact on the student's academic status or progression, final determination will be referred to the

Registrar and academic Dean. The sanction may commence at the beginning of the Student's next term if a student's registration at the college is interrupted for any reason.

The decision, with brief reasons for the decision, shall be communicated in writing to the student 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.

If the sanction includes a prohibition or expulsion, the Director of Campus Safety and Security shall inform the Registrar in writing of the proposed sanction, including the reasons why the sanction was determined to be appropriate. The Director of Campus Safety and Security shall also provide the Registrar with a copy of the investigative report. If the Registrar agrees that expulsion or prohibition is the appropriate sanction, the Registrar shall impose the sanction on the student, in consultation with the Associate Dean/Dean or Dean of Students, as appropriate. If the Registrar does not agree that expulsion or prohibition is appropriate, the Registrar shall remit the matter to the Dean to determine a lesser sanction. In coming to a decision, the Registrar may, in their sole discretion, choose to meet with the student prior to issuing a decision.

The student may appeal the decision (see Appendix 3).

1.4.7.1

If students who were 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 student will be provided the opportunity to write any missed test and to hand in any missed assignment and will be 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 student will also be provided the opportunity to write any missed test and to hand in any missed assignment and will be supported in making up any other academic requirements and opportunities missed during the suspension.
- If a Short Term Suspension is imposed, the student will be 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 student will not be permitted to write any missed test or hand in any missed assignment.

APPENDIX 3

APPEAL PROCEDURE

1. Conditions of Appeal

1.1 A student has the right to appeal a misconduct decision on one or more of the following grounds:

- a) There was a serious procedural error in the investigation process which was prejudicial to the respondent
- b) New evidence which was not available at the time of the earlier decision, has been discovered rendering the original decision unreasonable in light of the new evidence
- c) The sanction imposed is not consistent with the nature of the offence

1.2 A student initiates the appeal process by submitting a completed *Non-Academic Appeals Form* to the Dean of Students within ten (10) working days of receipt of the written decision from the Office of Campus Safety and Security. When writing an appeal, a student must submit the *Non-Academic Appeals Form* indicating:

- a) The conditions under which they are making the request
- b) The information or rationale that will be used to support the argument that the disciplinary decision being appealed was wrong or unfair
- c) The requested resolution

2. Submission of Appeal

Once the *Non-Academic Appeals Form* has been submitted, within three (3) business days of receipt of the appeal request, the Dean of Students, or designate, will determine if the reason for the appeal meets one or more of the grounds for appeal. 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. If the Vice President deems the appeal does not meet one or more of the grounds for appeal, then they will notify the student in writing that the request for an appeal has been denied.

3. Appeal Hearing

3.1 An Appeal Hearing will be convened within five (5) business days of the decision to grant an appeal. The appellant and any other parties involved will be informed that the right of appeal has been granted by way of a written Notice of Appeal, which will include the date, time and location of the meeting. Along with the Notice of Appeal, Georgian will distribute the following documentation to all principle parties involved:

- a) the names of members of the Appeal panel
- b) the Non-Academic Appeals Form submitted by the student
- c) a written statement by the Hearing Officer (as appointed by the Vice President) indicating the rationale for the disciplinary decision; a list of witnesses that may be called if applicable;
a list of evidential materials that will be presented during the Hearing such as videos, photographs or physical evidence

3.2 Submitting a *Non-Academic Appeals Form* does not stay the implementation of the sanction(s) imposed by the Office of Campus Safety and Security. The student is required to abide by the sanction(s) until such time that the sanction(s) expires, or is changed or overturned through the Conduct Appeal Hearing.

3.3 The Dean of Students shall maintain a roster of 12 individuals to serve on a Discipline Appeal Committee. When vacancies occur, the Dean of Students will recruit new panelists, maintaining a balance of students and employees from across the college.

3.4 The Dean of Students or designate will convene a Discipline Appeal Committee consisting of three panelists including at least one student and will chair the Discipline Appeal as a non-voting member of the Committee.

3.5 The complainant and respondent will be notified of the appeal in writing. The notice shall explain the basis of the appeal, the procedure that will apply and any other details necessary for an expeditious and fair hearing.

3.6 An oral hearing will take place in front of three panelists and be chaired by the Dean of Students or designate. The appeal will be held in private and all proceedings will be confidential. The Discipline Appeal Committee will review the documentation related to the Student Conduct decision, and may seek information from any other source, as it deems relevant.

3.7 The appellant may choose to have a support person of in an advisory capacity present throughout the proceedings or they may choose from a roster of trained student leaders which is maintained in Student Services.

3.8 The decision of the panel will be recorded in writing and promptly communicated to the appellant within two (2) business days of the appeal.

3.9 The decision of the panel will be final and binding on all parties with no further right of appeal within the college.

3.10 Records of Student Code of Conduct complaints and appeals will be maintained by Campus Safety and Security.

Every attempt will be made to meet the timelines set out in this Student Code of Conduct unless circumstances cause a delay

APPENDIX 4

STUDENT OF CONCERN COMMITTEE

1. Purpose

The purpose of the Student of Concern Committee (SOCC) is to provide a means for early intervention of at-risk students through collaboration with campus departments, faculty and staff. Students exhibiting behaviours that are of concern in relation to their personal, physical and emotional wellbeing should be referred to SOCC. The Students of Concern Committee is not meant to be the sole mechanism of communication and will not take the place of services provided by Student Success Services, Campus Safety and Security or other established student services.

2. Structure

2.1 The Student of Concern Committee regular members include:

- Dean of Students
- Director Accessibility & Wellness Initiatives
- Director of Campus Safety and Security
- Counselling Case Manager
- Registrar
- Manager of Security and Parking Operations
- Manager of Conflict Resolution and Investigations
- Manager of Residence Life
- Dean or Designate, International Education and Development

2.2 The Committee would consult with various college roles and departments, which include, but are not limited to:

- Department Administrators
- Deans and Associate Deans
- Faculty and Staff
- Campus Managers/Principals
- Local Police Authority
- Other relevant agencies

3. Role of the SOCC:

- To provide a centralized structure for campus departments and offices that need help dealing with a student who is displaying concerning, disruptive and/or distress behaviour
- To develop a strategic plan of action to ensure the safety of the student and the campus at large
- To ensure that information is shared amongst strategic partners concerned about student welfare

4. Procedure

4.1 When a student exhibits behaviours of high concern and could potentially be at risk to self and

others the SOCC coordinates a proactive effort to prevent and/or manage the situation. SOCC is NOT for emergencies if there is an emergency call ext.4000

4.2 Referable Concerning Behaviours

- Unusual or erratic behaviour in class, in the residence halls, during advising session, etc.
- Extended absence from class or activities by a typically engaged student
- Written work or creative expression with troubling themes or references
- Verbal or written threats made by a student toward another student, faculty, and/or staff
- Written or verbal expressions of suicidal ideation or intent
- Other actions which cause an alarm or call into question the safety of the student or their peers

4.3 Behavioural Response Plan of Action

1. A faculty or staff member (hereafter Point of Contact) believes that a critical incident or circumstance has reached a high level of concern
2. Point of Contact submits Care & Concern report through the Dean of Students
3. The SOCC chair will evaluate the situation and consult with team members to determine what further steps are required
4. Point of Contact will receive coordinated plans of action for various critical scenarios, with duties and responsibilities assigned to the appropriate unit as needed

EVALUATION

This procedure will be reviewed at least every two years.

GEORGIAN COLLEGE OF APPLIED ARTS AND TECHNOLOGY

Student Code of Conduct

Procedure #6-100 Student Affairs

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