

**TITLE: Student Code of Conduct - Adjudication Process and Appeals Procedure**

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**Approved By:  
Student Affairs**

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The Sheridan College Institute of Technology and Advanced Learning ("Sheridan") is dedicated to creating an academic community that is safe and respectful, where Students develop individually and in collaboration with their peers. All Sheridan Students (as defined below) are expected to act responsibly and uphold standards of conduct that form the basis for good citizenship. Good citizenship includes upholding an atmosphere of Civility, accountability and respect for others.

## 1. PURPOSE

This Procedure is designed to be educational and investigative in nature. The primary purpose of this Procedure is to outline the mechanism for determining Sanctions (as defined below) under the disciplinary process of this Procedure. Sanctions may be imposed on a Student when acting in a manner that is in violation of Sheridan's policies which are applicable to Students, including, but not limited to, the Student Code of Conduct. When Sheridan Students are alleged to have breached the Student Code of Conduct, this Procedure will ensure that all stages of the disciplinary process are implemented in a manner that is reasonable and fair.

This Procedure will:

- Ensure transparency and consistency in Student Misconduct (as defined below) investigations;
- Ensure reasoning is provided for all Misconduct investigations;
- Outline the disciplinary process that Students may face for breaching Sheridan's policies applicable to Students, including but not limited to the Student Code of Conduct; and
- Describe the process by which Sanctions may be appealed.

## 2. SCOPE

All Students are responsible for compliance with the Student Code of Conduct. This Procedure will be applied in a way that ensures Procedural Fairness (as defined below) for all Sheridan Students who have allegedly committed non-academic Misconduct in breach of the Student Code of Conduct and other related policies and procedures as applicable to Students. Students who have allegedly committed non-academic Misconduct are subject to this Procedure, regardless of concurrent action or inaction of law enforcement agencies, including, but not limited, to the police.

If any member of the Sheridan community is reporting an emergency situation, such as imminent risk of suicide, immediate risk to the safety of others, weapons, violent behaviour or medical emergencies, please immediately contact Campus Security and/or call 911.

## 3. DEFINITIONS

**“Advisor”** means a non-Sheridan employee chosen by a Student to assist them with a Conduct Meeting and provide emotional support. An Advisor may not address the allegations on behalf of a Student.

**“Civility”** can be defined as a range of behaviours including courtesy, dignity, acting in good faith and respect.

**“Community Service”** is assigned service to be performed by the Student. If possible, the service will be related to the incident. The purpose of this Sanction is primarily educational and restorative, allowing the Student to learn the impacts of their behaviour and give back to the community.

**“Complainant”** is an individual who brings forward a complaint that the Student Code of Conduct or any other related Sheridan policy has been violated.

**“Conduct Meeting”** means a meeting at which evidence and information is presented and students are able to respond to the allegation(s) of Misconduct.

**“Incident Report”** means a formal recording of facts related to behaviours observed or concerns related to Students.

**“Interim Measure(s)”** includes a measure imposed on a Student without a Conduct Meeting in situation(s) where there is a potential risk to any member of the Sheridan community and/or to maintain the integrity of an investigation and is further defined in this

Procedure. Imposing an Interim Measure on a Student shall not be considered a finding of Misconduct as set out in this Procedure.

**“Misconduct”** refers to the failure to comply or violation of the Student Code of Conduct or other Sheridan Policies as applicable to Students.

**“Non-Academic Expulsion”** means no eligibility for re-admission or re-enrolment consideration for any reason to a Sheridan program or course at any time whatsoever. No fees will be refunded and the Student may be required to pay outstanding fees.

**“Non-Academic Suspension”** means no eligibility for re-admission or re-enrolment consideration to any Sheridan program or courses, for a period of up to three years. No fees will be refunded and the Student may be required to pay outstanding fees.

**“Preponderance of Evidence”** means it is more likely than not, that the incident occurred.

**“Procedural Fairness”** provides a process in resolving disputes with transparency, equal communication, and fairness.

**“Progressive Discipline”** refers to the process of using increased Sanctions when a Student’s behaviour continues to be in violation and is adjudicated under to the Student Code of Conduct - Adjudication Process and Appeals Procedure.

**“Recurrent Conduct”** means Misconduct committed by a Student subject to previous Sanction(s) determined via the Student Code of Conduct - Adjudication Process and Appeals Procedure.

**“Respondent”** is an individual against whom a Complaint has been made alleging a violation of the Student Code of Conduct or any other Sheridan policies as applicable to Students.

**“Rights and Responsibilities Hold” [RRH]** is a hold placed on a student’s Sheridan records and registration because of an outstanding misconduct case. For example, a student may not have met with the SRRO to respond to the allegations or failed to complete Sanctions imposed by the SRRO. An SRRO Hold cannot be lifted until the student contacts the SRRO and resolves or makes plans to resolve the situation.

**“Sanction”** means the range of imposed consequences, either interim or permanent, as set out in this Procedure.

**“Sheridan Official”** means an employee and/or representative of Sheridan acting in the course of their duties.

**“Sheridan Activity”** means an activity approved and/or supported by Sheridan on or off Sheridan property in Canada and internationally. This may include but is not limited to co-op, placement, inter-campus shuttle buses, field trips, sporting competitions, off-campus lectures, or any other events sponsored by a Sheridan Official acting in their capacity.

**“Sheridan Threat Assessment Team [STAT]”** is the threat assessment and risk mitigation team that acts to address threats as they relate to and/or originate from Sheridan Students by providing a coordinated and rapid response, when possible, from Sheridan administration.

**“Student”** means any individual who is admitted, enrolled or registered for study at Sheridan. Individuals who are active in a program, but not enrolled in classes for a particular term (e.g. on a vacation, or coop term) are considered to have a continuing Student relationship and are included in the definition of a Student.

**“Student Rights and Responsibilities Office [SRRO]”**: manages non-academic Student behavioural concerns. The SRRO addresses Student behaviour in a developmental and educational manner with the goal of fostering Civility, accountability, good citizenship and respect for others.

**“Support Person”** means in relation to a person with a disability, another person who accompanies him or her in order to help with communication, mobility, personal care or medical needs, or with access to goods, services or facilities.

**“Working day”** means the days between and including Monday to Friday, excluding statutory holidays or days that Sheridan campuses are closed for any reason.

## **4. PROCEDURES**

### **I. Overarching Principles**

1. This Procedure is an administrative process for internal matters at Sheridan. This is not a judicial proceeding and is designed to be an educational and investigative process.
2. No determination of Misconduct will be presumed until impartial investigations have been conducted according to the principles of Procedural Fairness.
3. Members of SRRO will investigate all alleged incidents.
4. SRRO will work with the Student alleged to have committed Misconduct and/or the Complainant to examine the circumstances of the alleged incident. In circumstances, where the incident does not involve another person, Sheridan may be considered the Complainant.
5. Throughout this Procedure, the SRRO and the appropriate academic area as necessary, will collaborate to ensure that the academic progress of a Respondent is not unreasonably jeopardized. Accommodating the Respondent in question may

not be possible if it is not in the best interest of the Sheridan community, due to the nature of the concern.

6. Throughout this Procedure, Sheridan will accommodate any Student as applicable under the Ontario Human Rights Code, if requested by the Student.

## **II. Non-Academic Misconduct Procedures**

1. Any member of the Sheridan community may bring forward concerns or submit complaint(s) alleging a violation of the Student Code of Conduct. Please see *How to Report Concerning Student Behaviours and Activity* resource for more information ([Appendix B](#)).

Complainants:

- Should file a formal Incident Report with Campus Security. When the Incident Report involves non-academic Student behaviour, the Incident Report will be directed to SRRO for review.
  - Can also contact SRRO directly in person at The Centre for Student Success at all campuses (Trafalgar – B104, Davis – B230, HMC – A247) or via email at [srro@sheridancollege.ca](mailto:srro@sheridancollege.ca).
    - i. When using email, please outline your concern, identify your name, student number (if applicable), campus and preferred contact information.
2. Information provided by Complainants and Respondents is treated as confidential, but may be shared at Sheridan's sole discretion with the other party as reasonably required to investigate the complaint and resolve any Student appeal.
  3. Upon receipt of a complaint, the SRRO will conduct an investigation if the evidence establishes that a violation of the Student Code of Conduct or related Sheridan policies as applicable to Students may have taken place.

In situations where threatening behaviour falls under the Threat Assessment Policy, the investigation may require intervention from STAT. In these cases, there may be a delay to the commencement of this Procedure. If the behaviour or statement is made towards an employee at Sheridan, the investigation may involve Sheridan's Occupational Health and Safety Services for an investigation under the Workplace Violence Policy.

4. In some instances, the actions of a Student may violate more than one Sheridan policy. Where multiple policies apply, those responsible for initiating the processes will confer to determine which Policy should be applied, whether multiple processes are required and/or which takes precedence. Students may have multiple relationships with Sheridan (e.g. simultaneously a Student and employee).

The preponderance of the facts and/or the context of the behaviour may determine which policy and related process shall be applied and in what order, if applicable.

5. The Respondent will receive notification (notice of allegation) in person, by phone, email or written letter of the details of the complaint and alleged Misconduct within fourteen (14) working days of the final Incident Report. Notification will be considered received on the date sent by SRRO. Notification will provide available details of the allegation and reference this document and the Student Code of Conduct. Sheridan will endeavour to hold a Conduct Meeting within a reasonable timeframe, after the notice of allegations has been provided to the Student.
6. The Respondent will be required to attend a Conduct Meeting with SRRO where they will receive a fair and unbiased opportunity to provide information, respond to the allegations and to inform the investigator about any mitigating circumstances which may exist.
  - Where an incident involves a Student's removal from campus as part of an Interim Measure (as defined below in section IV), Conduct Meetings may occur via phone or video call.
7. Students are required to:
  - Monitor their Sheridan emails for notice of allegation and a request to meet from the SRRO;
  - Respond in a timely manner to requests to meet; and
  - Attend scheduled meetings to address the alleged Misconduct.
8. After reasonable attempts to meet with Students, SRRO may impose a Sanction based on the information SRRO has obtained when the Student fails to and/or chooses not to participate in this Procedure.
9. The SRRO's investigation may also include video footage and interviews or statements from any involved parties, including but not limited to Security, faculty members, Sheridan Officials, witnesses and Complainants who may have information that will assist in the investigation. The SRRO will strive to complete the investigation within a timely fashion. Should subsequent allegations be gained through the investigation, Students will be notified as described above.
10. The SRRO will render a decision within ten (10) Working Days following the final Conduct Meeting, unless a delay is caused by exceptional circumstances and/or there are multiple allegations against the Student.
11. The SRRO will make a determination regarding whether the Misconduct has been committed based on the Preponderance of Evidence. If it is determined that the Respondent violated the Student Code of Conduct, the SRRO may impose any of

the sanctions including but not limited to those set out in this Procedure (as described below in section V).

12. In cases where the investigation reveals a finding of Misconduct and the recommended Sanction is a Non-Academic Suspension or a Non-Academic Expulsion, the Sanction will be determined by the Manager of SRRO or designate from an alternate campus. In order to allow for an unbiased decision-making process, the Manager of SRRO or designate involved in the investigation process will not be involved in determining the Sanction.

### **III. Role of an Advisor and/or Support Person and other Accommodations**

A Student may be allowed an Advisor and Support Person throughout this Procedure. One individual may not act in the capacity of both roles.

#### **1. Advisor**

- Every Student has the right to be accompanied by an Advisor throughout the steps of this Procedure.
- The sanctioned Student must notify the SRRO if an Advisor will attend any stage of this Procedure.
- The Student will be required to present information and independently address the allegations even when accompanied by an Advisor.
- An Advisor's role is to provide emotional support to the Student.
- An Advisor may not communicate with Sheridan on behalf of a Student.
- An Advisor may not address the allegations on behalf of a Student.
- An Advisor may not pose questions on behalf of a Student.
- Throughout this administrative process, an Advisor may not be disruptive and/or cause unreasonable interference to the application of this Procedure.

#### **2. Support Person and other Accommodations**

- If a Student requests the attendance of a Support Person and/or other accommodations, the Student is required to contact Accessible Learning to determine what accommodations are reasonably required for this Procedure (please see Sheridan's Accessibility Policy).
- The sanctioned Student must notify the SRRO if a Support Person will attend any stage of this Procedure.
- Where the assistance of a Support Person is required by a Student, the Student is permitted access to the Support Person throughout this Procedure.
- The SRRO will, upon request, provide or arrange for the provision of accessible formats of material, or communication supports for a Student.

#### **IV. Interim Measures**

1. In situations where there is a potential risk to the safety of any member of the Sheridan community, STAT, SRRO, the Dean of Student's Office or the Director of Security as Chair of STAT may act unilaterally without a Conduct Meeting to impose an Interim Measure upon a Student. In these situations, the Student may be required to remain off campus pending the conclusion of an investigation and a final decision. Imposing an interim measure on a Student shall not be considered a finding of Misconduct.
2. The SRRO also has discretion to immediately impose an interim measure without a Conduct Meeting and/or a finding that the Student has committed Misconduct to maintain the integrity of the investigation.

An Interim Measures can include, but is not limited to:

- Communication bans or no contact measures. Communication bans include both direct (i.e. in-person, telephone, text, email, social media) and indirect communication (i.e. third-party messages);
- Rights and Responsibilities Hold (RRH);
- Campus restriction from particular area(s) or service(s);
- Temporary removal or relocation from student housing;
- Temporary restriction from access to any Sheridan campus (interim trespass);
- Interim suspension (interim suspensions extend to all academic, co-curricular, or extra-curricular activities); and/or
- Any other measure listed in the Sanction list below.

SRRO may impose an interim suspension without a Conduct Meeting if:

- The safety of others is or may be endangered;
- Damage to Sheridan property may be likely to occur; and/or
- Continued presence of the Student would be disruptive to the operations of Sheridan.

3. If possible, SRRO will strive to expedite any proceedings when an Interim Measure is imposed, to ensure that a Student's progress is not unreasonably delayed and/or hindered.

SRRO may also apply an RRH if:

- A Student fails to meet with SRRO regarding a new incident after reasonable attempts to make contact with the Student; and/or
- A Student has failed to meet the conditions of a previously assigned Sanction.

SRRO will make all reasonable attempts to notify a Student when an RRH is applied.

4. Students may ask SRRO to review Interim Measures imposed, but only to address the impact of the imposed Interim Measures on the Student.



## **V. Sanctions**

1. When imposing any Sanctions for violations to the Student Code of Conduct, the SRRO will take an educational approach and consider the full context of the Misconduct, including, but not limited to, the following facts:
  - The nature and severity of the Misconduct;
  - The harm caused and the impact of the Misconduct on the Student, as well as others in the Sheridan community;
  - The degree to which the Misconduct was intentional;
  - Whether the Misconduct in question was an isolated incident or part of repeated acts of Misconduct on the part of the Student; and/or
  - The risk the Misconduct poses to Sheridan and the potential safety of its community members.
2. SRRO may apply any of the following sanctions, individually or collectively:
  - i. Verbal warning
  - ii. Written warning
  - iii. RRH
  - iv. Completion of an educational program or project unrelated to academic obligations
  - v. Requiring the student to write an apology letter and/or a reflection paper
  - vi. Community service
  - vii. Temporary or indefinite suspension or eviction from one or more facilities and/or services at Sheridan, including but not limited to Athletic Facilities, Student Centre pubs, and/or licensed events
  - viii. Restitution for damages caused by the Misconduct
  - ix. Non-academic probation
  - x. Behavioural agreements which may include, but are not limited to mandatory meetings with the SRRO, and no contact measures
  - xi. Removal from a class, activity, course, or program
  - xii. Eviction or temporary removal from student housing
  - xiii. Suspended re-enrolment in circumstances when a student has left Sheridan prior to the conclusion of this Procedure
  - xiv. Non-Academic Suspension

- xv. Issue a Trespass Notice pursuant to the Trespass to Property Act
  - xvi. Non-Academic Expulsion
3. Upon a Student being sanctioned, they will receive either verbal and/or written notification that indicates how they have violated the Student Code of Conduct and the accompanying written Sanction(s). When a Student is suspended or expelled, the SRRO will provide written reasons explaining their decision.
  4. When a Student is suspended, the SRRO will have the authority to impose return-to-campus conditions. Generally, these conditions will be derived from the Sanctions set out above.
  5. Where Sheridan becomes aware that Misconduct related to a Non-Academic Suspension and/or which may have a negative impact on the Sheridan community or any of its members, the Student may be required to present the outcome of legal proceedings (including, but not limited to, all documentation such as conditions or orders) and/or any interaction with law enforcement authorities related to that Misconduct prior to any re-enrolment considerations.

## **VI. Appeals**

A Student found to have violated the Student Code of Conduct and who is sanctioned under this Procedure may appeal a written decision by filling out the *Non-Academic Appeal Request Form* (please see [Appendix A](#)). The Student must file an appeal in writing that identifies one or more of the appeal ground(s) listed below (1 a, b, and/or c) and provide information that supports their appeal. Verbal Warnings may not be appealed.

1. Appeals must be sent to [nonacademicappeals@sheridancollege.ca](mailto:nonacademicappeals@sheridancollege.ca) within ten (10) Working Days of the Student receiving written notification of the Student's decision. The appeal grounds for when an appeal will be heard are:
  - a) There was an error in the application of this Procedure that rendered this process unfair;
  - b) The SRRO did not consider material evidence that ought to be heard on appeal; or
  - c) The Sanction imposed is unreasonable having regard to the nature of the offence.

If an Appeal is denied, then the SRRO decision shall be considered final and there is no further right to appeal.

2. The Associate Dean, Student Development, or designate will review and access the written appeal submission to decide if the appeal will be heard. If it is decided that an appeal will be heard, the Dean of Students, or designate will assemble an Appeals Committee to meet within ten (10) days from the decision to grant the hearing, unless a delay is caused by exceptional circumstances.

3. The Appeals Committee will be comprised of: (a) the Dean of Students, or designate; (b) one (1) Faculty member; (c) one (1) Student.
4. The sanctioned Student attending the appeal hearing may bring an Advisor and/or Support Person as per section III above. The sanctioned Student must notify the SRRO if an Advisor and/or Support Person will attend the appeal hearing.
5. If the sanctioned Student fails to attend the appeal hearing, a decision may be made in the Student's absence.
6. The Appeals Committee will review the *Non-Academic Appeal Request Form* and any other relevant Sheridan information. The Appeals Committee may hear from the SRRO, if necessary.
7. Based on the information available, a decision will be made by the Appeals Committee by a majority vote and the Student will be informed in writing by the Dean of Students or designate within five (5) Working Days following the hearing. The Appeals Committee will make one of the following decisions below:
  - a) Appeal denied – SRRO Sanctions are upheld and considered final
  - b) Appeal accepted – all SRRO Sanctions are removed
  - c) Adjustment – SRRO Sanctions are lowered or increased
8. Transcript notations for Non-Academic Suspension and Non-Academic Expulsion will be handled as follows:
  - Suspensions:
    - Following an interruption of studies due to Non-Academic suspension, the transcript notation referencing the suspension will be expunged from a Student's official transcript. Should a Student wish to return to Sheridan following this period, re-enrolment will only be considered once all conditions for return have been met. Notations/comments in the official record will remain.
  - Expulsions – the record of expulsion shall be noted on a Student's official transcript indefinitely, unless a student requests to have their notation expunged no sooner than five (5) years after the date of expulsion by stating (i) reasons why the notation should be expunged, and (ii) what they have done to address the behaviour that led to their expulsion and provide any requested documentation. Such requests are to be made to the Dean of Students ([deanofstudents@sheridancollege.ca](mailto:deanofstudents@sheridancollege.ca)) who will consult with the Provost and Registrar in making this decision. Notations/comments in the official record will remain.

The Appeals Committee has the final authority on sanctioning decisions related to this Procedure. All decisions made by the Appeals Committee are final and there is no further right to appeal.

## **5. RELATED POLICIES AND PROCEDURES**

### **i. Related Documents**

[Appendix A - Non-Academic Appeal Request Form](#)

[Appendix B - How to Report Concerning Student Behaviours and Activity](#)

### **ii. Related Policies and Procedures**

[Accessibility Policy](#)

[Acceptable Use Policy](#)

[Academic Integrity Policy](#)

[Code of Professionalism and Civility](#)

[Health and Safety - Occupational Health And Safety Policy](#)

[oneCARD Agreement - Terms and Conditions of Use](#)

[Residence Community Living Standards](#)

[Sexual Assault and Sexual Violence Policy](#)

[Student Code of Conduct](#)

[Student at Risk and Intervention \(SARIT\) Policy](#)

[Student at Risk and Intervention \(SARIT\) Procedure](#)

[Smoke Free Sheridan Policy](#)

[Social Media Policy](#)

[Threat Assessment Policy](#)

[Workplace Violence Policy](#)