

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

**Date of Approval:**

**Mandatory Review**

**Approved By:**

**Effective Date: January 15, 2015**

**Date: January 15, 2018**

## 1. PURPOSE

All Sheridan students are expected to act responsibly and uphold standards of conduct that form the basis for good citizenship. When Sheridan students are alleged to have breached the *Student Code of Conduct Policy*, these procedures will ensure that all stages of the disciplinary process are implemented in a manner that is reasonable and fair.

These procedures will:

- Ensure transparency, consistency, and predictability in student Misconduct investigations;
- Outline the disciplinary procedures that students may face for breaching the *Student Code of Conduct Policy*; and
- Describe the process by which Sanction decisions may be appealed.

## 2. SCOPE

Any Sheridan student who has allegedly committed non-academic Misconduct in breach of the *Student Code of Conduct Policy* is subject to these procedures, regardless of concurrent action or inaction of civil or criminal authorities.

## 3. DEFINITIONS

“**Advisor**” means a person chosen by a student to assist him/her with a conduct meeting

“**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.

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

**“Expulsion”** means no eligibility for enrollment into any Sheridan program or courses. No fees will be refunded.

**“Misconduct”** refers to the failure to comply or violation of the *Student Code of Conduct Policy* or other related Policies.

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

**“Progressive Discipline”** refers to the process of using increased sanctions when a student’s behaviour continues to be in violation to the *Student Code of Conduct Policy* or other related Sheridan Policies.

**“Recurrent Conduct”** means Misconduct committed by a student subject to previous Sanction under this policy and associated Procedure.

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

**“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.

**“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 whether physically present at campus or online. Individuals who are not officially enrolled for a particular term, but who have a continuing student relationship with, or are representing Sheridan may also be considered students.

**“Student-at-Risk Intervention Team [SARIT]”** is a multi-disciplinary group of professionals that will provide a coordinated response and meet on a regular or as-needed basis to facilitate the identification and management of students at risk.

**“Student Rights and Responsibilities Office [SRRO]”**: manages all non-academic student behavioural concerns. The SRRO addresses student behaviour in a developmental and

educational manner with the goal of fostering the accountability, good citizenship and personal integrity of all students.

**“Suspension”** means no eligibility for re-admission to any Sheridan program or courses, for a period of up to three years. No fees will be refunded.

**“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. Students alleged to have committed Misconduct will be presumed innocent and investigations will be conducted impartially and according to the principles of procedural fairness.
2. The SRRO’s role is non-adversarial, and their representatives will work with the student accused of Misconduct and the complainant to examine the circumstances of the alleged incident.
3. Throughout these procedures, the SRRO and the appropriate academic area will use their best efforts to ensure that the academic progress of any student who is alleged to have committed Misconduct is not unreasonably jeopardized, unless accommodating the student in question is not in the best interests of the Sheridan community because of the nature of alleged Misconduct.

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

1. Any member of the Sheridan community may bring forward concerns or submit complaint(s) to the SRRO alleging a violation of the *Student Code of Conduct Policy*. Complainants may be directed to Security Services to file a formal report.
2. Information provided by complainants is treated as confidential, but may be shared with the respondent and others as reasonably required to investigate the complaint and resolve any student appeal.
3. Upon receipt of a complaint or report, the SRRO will conduct an investigation if the evidence establishes that a violation of the *Student Code of Conduct Policy* may have taken place. In some circumstances, the investigation may reveal that the case requires specialized invention such as a referral to SARIT or STAT.
4. The student involved will receive notification 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 also reference this document and the *Student Code of Conduct Policy*.

*Students are required to monitor their Sheridan emails for notices from the SRRO.*

The student will be invited to attend a Conduct Meeting with SRRO where they will receive a fair and unbiased opportunity to present their version of events, respond to the allegations and to advise the investigator about any mitigating circumstances which may exist. Every student has the right to be accompanied at the conduct meeting by an Advisor of their choosing. The student

involved will be required to present information and speak to the allegations even when accompanied by an Advisor.

5. The SRRO's investigation may also include interviews or statements from any involved parties, including but not limited to Security, faculty, Sheridan Officials, witnesses and victims who may have information related to the complaint as well as other information that will assist in the investigation. The SRRO will strive to complete the investigation within a timely fashion.

6. The SRRO will render a decision within ten (10) working days following the Conduct Meeting, unless a delay is caused by exceptional circumstances and/or there are multiple allegations against the student. The SRRO will make a determination regarding whether the Misconduct has been committed on Preponderance of Evidence. If it is determined that the student committed the Misconduct, the SRRO may impose any of the sanctions including but not limited to those set out in these procedures.

### **III. Interim Sanction**

1. In situations where there is a potential threat 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 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 reached. The instruction to a student to remain off Sheridan property pending the completion of an investigation shall not be considered to be disciplinary.

2. The SRRO retains discretion to impose an interim measure for a student in compelling circumstances by imposing an interim suspension or Rights and Responsibilities Hold (RRH) without a finding that the student has committed Misconduct.

SRRO will impose an interim suspension if:

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

3. If possible, while maintaining focus on the safety of the Sheridan community, Sheridan will strive to expedite any proceedings to ensure that a student does not serve a significant sanction without having had the opportunity to represent themselves at a meeting regarding the alleged Misconduct.

SRRO may 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.

### **IV. Sanctions**

1. When imposing any Sanctions for violations to the *Student Code of Conduct Policy*, 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;
- The risk the Misconduct poses to the institution and the potential safety of its community members;

2. Sheridan 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 actual 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 a student's Misconduct
- ix. Behavioural controls, including non-academic probation
- x. Behavioural agreements which may include, but are not limited to mandatory meetings with the SRRO, and no contact derivatives
- xi. Removal from a class, activity, course, or program
- xii. Eviction from student housing
- xiii. Suspension
- xiv. Issue a Trespass Notice pursuant to the Trespass to Property Act
- xv. 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 Policy* and the accompanying

sanction. When a student is suspended or expelled, the SRRO will provide written reasons explaining their decision.

4. When a student is suspended or expelled, the SRRO will have the authority to impose return-to-campus conditions. Generally, these conditions will be derived from the Sanctions set out above.

## V. Appeals

A student found responsible for a violation to the *Student Code of Conduct Policy* and sanctioned under these procedures may appeal the decision.

1. Appeals must be sent to the Office of the Dean of Students within fifteen (15) working days of the student receiving written notification of their decision. Appeals will be heard if:

- a) There was an error in the student conduct process that rendered the process unfair;
- b) The SSRO did not consider material evidence that ought to be heard on appeal;  
or
- c) The sanctioning decision is unreasonable having regard to all the evidence.

The Appellant must file an appeal in writing that clearly sets out the basis for the proposed appeal.

2. The Dean of Students, or designate will review the written appeal submission (and based on the submissions alone) decide if the appeal will be heard. If a hearing is granted, the Dean of Students, or designate will assemble an Appeals Tribunal to be held within ten (10) days from the decision authorizing the hearing, unless a delay is caused by exceptional circumstances.

3. The Appeals Tribunal 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 Appeals Tribunal may bring an Advisor. The sanctioned student must notify the SRRO if an Advisor will attend the appeal hearing. The student involved, will be required to present information and speak to the appeal even when accompanied by an Advisor.

5. The Appeals Tribunal will hear from the SRRO and the student in question.

6. Based on the information, a decision will be made by the Appeal Tribunal and the student will be informed in writing within five (5) business days following the hearing. The possible rulings by the Appeals Tribunal are:

- a) *Appeal denied* – sanctions are upheld
- b) *Appeal accepted* – all sanctions are removed
- c) *Adjustment* – sanctions are lowered or increased

The Appeals Tribunal is the final authority on Misconduct and sanctioning decisions at Sheridan. There is no further right of appeal.