



# Student Code of Non-Academic Conduct Policy

**Effective:** March 31, 2020      **Policy Number:** SP003

**Revision:** October 13th, 2022

**Associated Policy:** SP003.1: Student Code of Non-Academic Conduct Procedures

## 1. Overview

- 1.1. FIC's Student Code of Non-Academic Conduct ("Code") outlines standards of acceptable behaviour required by all FIC students.
- 1.2. These standards contribute to a positive learning environment and help ensure the safety and well-being of all members of the FIC community, while also acknowledging differences in culture and in physical and mental well-being.
- 1.3. Within the college environment, staff and students have both expectations and responsibilities. These expectations and responsibilities are intended to assist students in their personal and academic development, enable a culture of integrity and good conduct, protect the well-being of community members and safeguard personal and community property.
- 1.4. This policy outlines, in a non-exhaustive manner, the types of activities and behaviours that constitute non-academic Student misconduct and related disciplinary measures.
- 1.5. This policy and related documentation are to be accessible through the FIC policy library.
- 1.6. This policy and related procedures will be communicated to staff via email and ongoing staff information sessions.

## 2. Scope and Jurisdiction

- 2.1. This Policy applies to Misconduct, as defined in Section 3.5, committed by:
  - 2.1.1. current students enrolled in full-time or part-time classes, either credit or non-credit, in-person or remotely;
  - 2.1.2. students on a leave of absence; or
  - 2.1.3. alumni when the misconduct occurred prior to transfer to the University.
- 2.2. This Policy applies to those defined in Section 2.1, who have engaged in Misconduct that is alleged to have occurred:
  - 2.2.1. at an event or during an activity sponsored or sanctioned by the College or University;
  - 2.2.2. using the College or University's Information and Communications Technology resources or on social media spaces moderated by the College or University;
  - 2.2.3. on any property that is controlled by the University; or
  - 2.2.4. off campus, or through electronic media, when the student has declared publicly, they represent the College or University and the conduct has adversely affected the community
- 2.3. A report of non-academic misconduct that occurs in SFU Residence and Housing is subject to Residence Community Standards and will be dealt with under the Residence conduct system, however further sanctions may be assigned under this code of conduct.

2.4. Nothing in this Policy shall be interpreted to prohibit peaceful assemblies or demonstrations, lawful labour action including picketing, or to impinge upon freedom of expression.

### 3. Definitions

#### 3.1. Code

refers to the “Student Code of Non-Academic Conduct” Policy

#### 3.2. College

refers to Fraser International College (“FIC”)

#### 3.3. Complainant

means any member of the College community who makes a Complaint under the Policy. The College may also be a Complainant.

#### 3.4. Complaint

means a Complaint regarding behaviour made to a member of the College outlining the behaviour and its circumstances. In the case where the Complaint is from a visitor, the College reserves the right to take on the role of Complainant. The Complaint will set out the allegations made according to the Policy by a Complainant with respect to a Respondent or Respondents.

#### 3.5. Misconduct

means behaviour the Student knows, or ought reasonably to know, would have an adverse effect on:

- 3.5.1. the safety of members of the University Community and visitors;
- 3.5.2. the integrity or the proper functioning of the University and its activities;
- 3.5.3. the use of University facilities; or
- 3.5.4. the condition of University property.

#### 3.6. Premises

refer to any land, building, or grounds of the University, inclusive of but not limited to, those out of which the College operates.

#### 3.7. Respondent

means a Student or Students against whom an allegation of Misconduct has been made according to this Policy.

#### 3.8. Student

includes any of the following: a person who is applying for admission to the College; a currently enrolled student; a student on a leave of absence; or a person enrolled at the College in a non-credit program or course.

#### 3.9. the University

refers to our partner institution Simon Fraser University (“SFU”)

#### 3.10. the Institutions

refers to both Simon Fraser University and Fraser International College

#### 4. Prohibited Conduct

- 4.1. Any conduct on the part of a Student that has, or might reasonably be seen to have, an adverse affect on the integrity or the proper functioning of the College or University, or the health, safety, rights, or property of the institutions or its members and visitors, is subject to discipline under this Code.
- 4.2. The following list sets out specific examples of prohibited conduct. It is intended to help students understand the type of conduct that will be subject to discipline: it is not an exhaustive list and students should be aware that their conduct may still be considered prohibited conduct under this Code even if it does not appear in the list below:

##### 4.2.1. Aiding in the Commission of an Offence

- a) Encouraging or aiding others, by words or by action, to engage in the commission of an act that is in violation of this Code, a College policy, rule or procedure, or, a Municipal, Provincial, or Federal law.

##### 4.2.2. Alcohol and Drug Use

- a) possessing or consuming alcoholic beverages, except as permitted by law or by University policy; or
- b) the manufacture, sale, delivery, possession, or use, in any amount, of any illegal or controlled substance and/or possession of drug paraphernalia, except as permitted by law.

##### 4.2.3. Disruption or Interference

- a) engaging in unruly or threatening behaviour that causes a disturbance and disrupts or threatens to disrupt an event, activity, teaching, learning, or process.

##### 4.2.4. Failure to Comply

- a) with measures imposed as per the procedures under this Policy or any other disciplinary measures imposed by the College or University;
- b) with all College and University policies;
- c) with a reasonable direction to do, or not to do, something that is made by a College representative authorized to make such a direction;
- d) to produce identification upon request for legitimate reasons. Arbitrary requests *i.e. profiling*, are prohibited.

##### 4.2.5. Fraud, Misuse, and Impersonation

- a) forging, misusing, misrepresenting, or altering any College or University record;
- b) obtaining any textbooks, study aids, equipment, materials, or services by fraudulent means;
- c) submitting a manufactured, forged, altered, or converted document, including a forged or altered medical certificate, death certificate, or travel document to the College, which the Student knows, or ought reasonably to have known, to be altered;
- d) falsifying or misrepresenting information, or causing others to falsify or misrepresent information, which either leads to, or is presented as, part of a College disciplinary process
- e) impersonating an instructor, Student, or other member of the College;
- f) obtaining a financial or other advantage by fraudulent means; or
- g) misrepresenting identity, status, qualifications, or authority.

##### 4.2.6. Misconduct Against People

by word or action, including through electronic or social media:

- a) physical aggression, assault, intimidation, threat, or coercion;
- b) behaviour that the Student knows, or ought reasonably to know, would be unwelcome and would cause another person to feel threatened, intimidated, bullied, or harassed.
- c) threatening or endangering the health, safety, or well-being of any person;
- d) acts of hazing or initiation ceremonies or other rituals that are dehumanizing, humiliating or degrading. This includes individual or collective acts; or
- e) sexual violence and misconduct – see SP004 – FIC Sexual Violence and Misconduct Policy for additional details, resources and support. Incidents of Sexual Violence or Misconduct which result in an investigation and where the respondent is a Student will be investigated, managed, and where appropriate assigned disciplinary outcomes through this Student Code of Conduct Policy.

#### 4.2.7. **Misconduct Against Property**

- a) possessing or using College or University property, or property that does not belong to the Student, without the owner's consent or authority;
- b) destroying, interfering with, or damaging College or University property or resources, or property that does not belong to the Student;
- c) defacing any University property including buildings or premises;
- d) removing books or other library material without authorization;
- e) defacing or deliberately misplacing library materials or engaging in actions which deprive other members of the community or the public of their opportunity to access these resources.

#### 4.2.8. **Unauthorized Possession or Use of Dangerous Substance or Objects**

- a) includes possessing or using toxic, or otherwise dangerous, substances or materials on the premises without the knowledge and prior written permission of the College Director.
- b) includes possessing or using real or replica firearms (including registered firearms) or other weapons, explosives (including fireworks), ammunition, or other dangerous objects on the premises without the knowledge and prior written permission of the College Director. If you are intending to bring an item to campus that could be classified under the previous definition (for example fencing or religious equipment), please contact a Student Success Advising prior to bringing the item to campus to learn more about what is permitted and prohibited within the FIC community.

### 5. **Interim Measures**

- 5.1. The College retains discretion to implement interim measures that are appropriate in the circumstances to support a safe campus environment, for a specific period or until the case is concluded.
- 5.2. Interim measures are not evidence of any finding of fact concerning whether there has been a violation of the Code.
- 5.3. Interim Measures may include, but are not limited to, the following:
  - 5.3.1. the exclusion of individuals from all or any part of the University campuses;
  - 5.3.2. limiting proximity or contact to specific individuals;
  - 5.3.3. limiting participation in campus activities;
  - 5.3.4. making changes to class sections or schedules;
  - 5.3.5. limiting the use of the University's information and communications technology; or
  - 5.3.6. requiring the Student to meet regularly with designated College staff members.

## 6. Disciplinary Measures

These penalties will be applied upon review of the nature of the misconduct and after the interview with the Student Success Manager. Penalties will be determined and applied based on a restorative justice lens that promotes reconciliation, learning and development rather than purely punitive measures.

- 6.1. If a student has engaged in misconduct, the student will be asked to attend an interview with the Student Success Manager in the first instance. During the interview students will be asked to provide an explanation for their behaviour.
- 6.2. The Student Success Manager is permitted to apply any, or a combination, of the following penalties:
  - 6.2.1. **Warning or Reprimand** - means a written warning or reprimand to the Student.
  - 6.2.2. **Non-Academic Probation** - means a written reprimand and order for a designated probationary period in which the Student must fulfill certain conditions, demonstrate good conduct, or otherwise be subject to the imposition of further or more severe disciplinary measures.
  - 6.2.3. **Restitution** - means payment of compensation for loss, damage, or harm that may be monetary or in the form of appropriate service or material replacement.
  - 6.2.4. **Restorative Actions** - Requiring a student to engage in actions to restore the impact of a misconduct and repair the harms resulting from misconduct on other members of the community. This may include writing appropriate letters of apology, drafting or implementing a plan of resolution, or engaging in restorative justice conferences, training or workshops.
  - 6.2.5. **Loss of Privileges** - means a denial of specified privileges for a specified period, including services or privileges for which the Student pays fees.
  - 6.2.6. **Restriction or Prohibition of Access or Use** - means a denial for a specified period, or conditions imposed on, the Student's right to access or use of any part or all of the Institutions' premises, equipment, facilities, residence, services, activities, programs, meetings, or events, or those held by or in association with the Institutions.
  - 6.2.7. **Restriction on Contact** - means restriction or limitation from contact (i.e., in person, on-line, text message, phone, etc.) with an individual or individuals for a specified period. This may include a requirement that the Student removes themselves from an area of campus or on-line venue/forum/discussion should they encounter an individual or individuals or involve changes to current class sections and timing.
  - 6.2.8. **Community Service** - means work assignments, service to the College, the University, local community or other such discretionary assignments that are considered appropriate, provided that any such work or service is available and not otherwise prohibited.
  - 6.2.9. **Educational Sanctions** – means required participation in educational programming, which may include online programs, workshops, participating in counseling intake and follow-up sessions, research and reflection pieces, preparing an action plan, or other activities that promote reflection on the misconduct, and enable the development of new learning and skills to encourage the respondent to make better future choices.
  - 6.2.10. **Other Reasonable Sanctions:** Any reasonable sanction not identified above may be assigned that appropriately promotes the education and development of a student or student organization, ensures safety, or otherwise furthers restoration and learning connected to the misconduct.
  - 6.2.11. **Conditions for (Re)enrollment** - include, but are not limited to, any of the following:
    - a) Behavioural contracts;

- b) Educational sanctions;
- c) Agreed upon mental health support service(s), such as participation in counselling or mental health services at the University, or coordinated with an external mental health provider acceptable to the College; or
- d) Agreed upon participation in a College-based or externally-based program of academic or personal support.

6.2.12. **Loss of Fees** - includes the forfeiture or loss of payments, fees, or refunds.

6.2.13. **Financial Sanctions** - means includes fines, disentitlement to, or revocation of, bursaries, awards, and scholarships.

6.2.14. **Suspension** - means suspension for a specified period after which the Student is eligible to return.

6.2.15. **Required to Withdraw** – means the student will be withdrawn from the College either temporarily, for a specified period after which the Student is eligible to re-apply for admission, or permanently.

## 7. Non-Academic Misconduct Appeal Process

7.1. The Non-Academic Student Code of Conduct appeal policy is a staged process;

7.1.1. Appeals to Associate Director from Student Success Manager Decisions

7.1.2. Appeals to the College Director from Associate Director Decisions

7.2. Refer to **SP003.1: Student Non-Academic Misconduct Policy Procedures** for how the process shall be carried out.

7.3. Students who require assistance understanding this policy, it's scope, effective instruments and procedures may contact an FIC Student Success Advisor for support.

## 8. Administrative Procedures

8.1. Records of all complaints and appeals will be kept for a period of five (5) years.

8.2. All records relating to Student Misconduct will be kept in strict confidence and filed separate from student files.

8.3. All student conduct records will be under the responsibility of the Associate Director.

8.4. The College Director has oversight of this Policy.

## 9. Procedural Fairness

9.1. The College will deal with all alleged Misconduct in a fair, unbiased, and timely manner.

9.2. An impartial and appropriately qualified person will be responsible for the management and/or investigation of Complaints of Misconduct.

9.3. A Respondent may be accompanied by a support person of their choice to meetings related to this Policy.

9.4. A Complainant and a Respondent will each be advised of the procedures that will be followed.

9.5. A Respondent will be informed of the particulars of the allegation and will be given an opportunity to respond.

# Student Code of Non-Academic Conduct Policy Procedure

**Effective:** March 31, 2020      **Policy Number:** SP003.1

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## 1. Purpose

- 1.1. The purpose of these procedures is to establish the process that will be followed to resolve, informally or formally, a Complaint of Student Misconduct.

## 2. Definitions

### 2.1. Appellant

means a Student who has received a disciplinary measure under the Code and appeals that decision as per Section 3.8 of the Procedures outlined below.

### 2.2. College

refers to Fraser International College (“FIC”)

### 2.3. Complainant

means any member of the College community who makes a Complaint under the Policy. The College may also be a Complainant.

### 2.4. Complaint

means a Complaint regarding behaviour made to a member of the College outlining the behaviour and its circumstances. In the case where the Complaint is from a visitor, the College reserves the right to take on the role of Complainant. The Complaint will set out the allegations made according to the Policy by a Complainant with respect to a Respondent or Respondents.

### 2.5. Respondent

means a Student or Students against whom an allegation of Misconduct has been made according to this Policy.

### 2.6. Student

includes any of the following: a person who is applying for admission to the College; a currently enrolled student; a student on a leave of absence; or a person enrolled at the College in a non-credit program or course.

### 2.7. the University

refers to our partner institution Simon Fraser University (“SFU”)

### 2.8. Formal Investigation

means a Formal Investigation process, whether conducted by the Student Success Team (SST) or by an internal or external Investigator, to determine what occurred.

### 2.9. Informal Resolution

means the process whereby the College and Respondent intend to resolve the matter through a written Resolution Agreement.

### 2.10. Investigator

means the person responsible for conducting the Formal Investigation, typically the Student Success Manager.

**2.11. Investigator's Report**

means the written report from the Investigator setting out the process that they followed in the Formal Investigation and their findings of fact.

**2.12. Preliminary Review**

means a review of a Complaint of alleged Misconduct as described in Section 3.3.

**2.13. Procedural Fairness**

means that the University shall deal with all alleged Misconduct in a fair, unbiased, and timely manner. Procedural Fairness is described in Section 9 of the Policy.

**2.14. Resolution Agreement**

means a written agreement between the Respondent and the College whereby the Respondent agrees to the terms and conditions set out in the Resolution Agreement to resolve the matter without recourse to Formal Investigation or discipline. This is considered a non-disciplinary Informal Resolution; the agreement is confidential and held in the student's file.

**2.15. Student Success Team (SST)**

means a member of the Student Success Team, which is inclusive of Student Success Advisors, Student Success Coordinators, and/or the Student Success Manager.

**2.16. Working Days**

means all weekdays, excluding statutory holidays as indicated on the Fraser International College website Important Dates page.

**3. Procedures**

3.1. The role of the Student Success Team (SST) includes but is not limited to:

- 3.1.1. receiving Complaints of alleged Student Misconduct
- 3.1.2. advising the Student Success Manager regarding interim measures;
- 3.1.3. undertaking a Preliminary Review and, when appropriate, resolving Complaints informally by means of a Resolution Agreement;
- 3.1.4. investigating to provide a report outlining findings of fact for the Student Success Manager to decide if there was a breach of the Policy;
- 3.1.5. tracking open cases of alleged Student Misconduct; and
- 3.1.6. tracking cases that are resolved with conditions placed on the Respondent.

**3.2. Making a Complaint of Student Misconduct to the College**

- 3.2.1. Complaints related to safety, security, and other urgent matters should be made to Campus Public Safety, who will respond to ensure the safety and security of members of the community. Campus Public Safety will document the incident (i.e. the "Incident Report"), including their observations and any other relevant circumstances.



- 3.2.2. Complaints related to Student Misconduct should be made to the SST as soon as possible after the alleged Misconduct occurs and, normally, within four (4) months of the incident having occurred. In cases where no Complaint has been brought forward, the College may act as the Complainant. A member of the SST will conduct a Preliminary Review of the Complaint.
- 3.2.3. The SST may receive Complaints outside of the four-month limitation period but will undertake a Preliminary Review (see Section 3.3) to assess its ability to proceed, which may include considerations relating to the availability of witnesses and evidence.

### **3.3. Preliminary Review**

- 3.3.1. The Student Success Team (SST), based on available information, may reject a Complaint on the grounds that:
  - a) the Complaint lies outside the scope and jurisdiction of the Policy;
  - b) the Complaint is false, vexatious, trivial, or repetitive;
  - c) the alleged Misconduct is minor and does not require corrective action; or
  - d) an investigation is unlikely to find facts that would result in disciplinary action.
- 3.3.2. In such circumstances, the SST will communicate its decision in writing to the Complainant with reasons for the decision.
- 3.3.3. The Complainant will not necessarily be identified to the Respondent during a Preliminary Review.
- 3.3.4. If the SST determines through a Preliminary Review that a Complaint should proceed, the SST will, whenever possible and appropriate, attempt to address the Respondent's conduct using Informal Resolution and a Resolution Agreement.

### **3.4. Interim Measures**

- 3.4.1. The Student Success Manager may impose interim measures, as outlined in Policy 5.3, while an alleged incident of Misconduct is being resolved, investigated, or decided. Such measures will be precautionary and are expressly not disciplinary. Interim measures will be reassessed on a weekly basis and the parties involved will be notified of any changes to interim measures as soon as possible.

### **3.5. Informal Resolution**

- 3.5.1. If the SST believes that Student Misconduct has occurred, the SST may discuss the matter with the Respondent to determine possible steps the Respondent could take to correct or resolve the issue. The SST may refer the Respondent to College, University and/or community-based support services.
- 3.5.2. A Respondent may be accompanied by a support person of their choice to the Informal Resolution meeting(s).
- 3.5.3. If the Complaint is not resolved by Informal Resolution, the matter may proceed to Formal Investigation
- 3.5.4. If the Respondent agrees to the resolution proposed by the SST, the SST will prepare a written Resolution Agreement outlining action to be taken by the Respondent, which the Respondent will sign.

- 3.5.5. If the Respondent fails to adhere with any aspect of the Resolution Agreement, the SST will proceed to the Formal Investigation.

### **3.6. Formal Investigation**

- 3.6.1. When a Resolution Agreement is deemed not an appropriate course of action, was breached or could not be reached, the Student Success Manager may initiate a Formal Investigation to obtain all information necessary to decide if there was a breach of the Policy.
- 3.6.2. The Student Success Manager will notify the Complainant and Respondent in writing that a Formal Investigation is being initiated.
- 3.6.3. A Complainant or Respondent may be accompanied by a support person of their choice to the Formal Investigation meeting(s).
- 3.6.4. If criminal, civil, or administrative proceedings are commenced regarding allegations of Misconduct, the College reserves the right to proceed with, defer, or suspend its own processes. Where practical, the College will discuss its intentions with the Complainant before making its decision.
- 3.6.5. The Student Success Manager will interview whomever they determine might have relevant information and who is willing to participate in the process. The Student Success Manager may request one or more interviews with the Complainant and Respondent and will also consider any evidence they decide is relevant for the Investigation Report.
- 3.6.6. If the Complainant or Respondent refuses to cooperate with the Formal Investigation, the Student Success Manager may proceed with the Formal Investigation and assign relevant penalties without the Complainant or Respondent.
- 3.6.7. Upon conclusion of the Formal Investigation, the Student Success Manager will complete the Investigator's Report, which will include the findings of facts in the case, disputed and undisputed.
- 3.6.8. The Student Success Manager will decide whether, on a balance of probabilities, there was a breach of the Policy.
- 3.6.9. If the Student Success Manager decides there was no breach of the Policy, they will dismiss the Complaint and their decision is final.
- 3.6.10. If the Student Success Manager decides there was a breach of the Policy, they may impose one or more of the Disciplinary Measures set out in the Policy.
- 3.6.11. If the Student Success Manager wants to recommend the student be Required to Withdraw, they may make the recommendation to the Associate Director.
- 3.6.12. The Formal Investigation will normally be completed within four (4) weeks from initiating the Formal Investigation barring exceptional circumstances or unavoidable procedural delays.
- 3.6.13. In deciding upon the appropriate response to a finding of a breach of the Policy, consideration must be given to the Principles in Section 1.0 of the Policy and to the following factors:
  - a) the extent of the Misconduct;
  - b) the impact of the Misconduct on members of the community;

- c) the inadvertent or the deliberate nature of the Misconduct;
- d) whether it is an isolated incident or part of repeated acts of Misconduct;
- e) the disciplinary measures are determined and assigned through application of a restorative lens which prioritizes learning and development; and
- f) any other mitigating or aggravating circumstances.

3.6.14. The Respondent will receive the outcome in writing including:

- a) their decision, with reasons, as to whether there was a breach of the Policy;
- b) the Disciplinary Measures imposed, if any; and
- c) notice that the Respondent has the right to appeal the decision and the Disciplinary Measures, where to direct the appeal, and the time limit and process for bringing an appeal.

3.6.15. The Student Success Manager will, where appropriate, provide a copy of the decision, including any Disciplinary Measures to any relevant academic or administrative departments of the College or University.

3.6.16. Upon request, the Student Success Manager will provide the Complainant with a written decision outlining the outcome of their Complaint.

### 3.7. **Ground for Appeals**

3.7.1. Appeals can be submitted on one or more of the following grounds:

- a) that a procedural error occurred of sufficient magnitude that it may reasonably be said to have affected the fairness of the process or altered the outcome of the case against the Respondent;
- b) that a factual error occurred of sufficient magnitude that it may reasonably be said to have altered the outcome of the case against the Respondent;
- c) that the penalty imposed on the Respondent is excessive considering all the circumstances of the case; or
- d) that new material evidence is available which, despite the exercise of due diligence by the Respondent wishing to appeal, could not have been made available.

### 3.8. **Appealing a Decision**

3.8.1. Appeals to Associate Director from Student Success Manager Decisions

- a) A Respondent may appeal all or part of a decision made by the Student Success Manager to the Associate Director within ten (10) business days of the day the email containing the decision was sent. The Student is then known as the Appellant.

3.8.2. Appeals to the College Director from Associate Director Decisions

- a) A Student may appeal all or part of a decision made by the Associate Director to the College Director within ten (10) Working Days of the day the email containing the decision was sent. The Student is then known as the Appellant.