

Policy Title:	Student Rights and Responsibilities
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Contacts for Policy Interpretation:	Vice President Student Experience Vice President Academic Experience

1.0 - Policy Overview

Admission to Fleming College carries with it certain rights and responsibilities. There is an expectation that students will conduct themselves as responsible members of the College community. The College will create a climate of understanding and mutual respect for individual dignity and worth, in which each person can develop as an individual and contribute positively to the College community, both on and off of College property.

2.0 - Purpose

The College shall publish a set of procedures regarding the rights and responsibilities of students that shall:

- promote the primary right of the student to learn and to refrain from interfering with the rights of others,
- promote respect for the integrity of the learning process,
- promote a respect for the dignity of all members of the College community,
- communicate the responsibilities to all members of the College community,
- provide a system of procedural due process to protect the rights of all concerned, and,
- provide an equitable system of enforcement.

3.0 - Definitions and Acronyms

The following definitions and/or acronyms apply in this Policy:

College Community	Any person who studies, teaches, conducts research at or works at, or under, the auspices of the College and includes without limitation, employees or contractors; appointees (including volunteer board members), students, visitors, and any other person while they are acting on behalf of, or at the request of the College.
Student	A person who is registered and/or enrolled in a Fleming College program or course, on campus or virtually.

4.0 - Scope

It is the responsibility of all members of the College community to uphold the principles of this policy. The College expects students to set for themselves the highest standard of behaviour, including behaviour that respects the health, safety, and rights of members of the College community and the larger community. The College does not condone behaviour that infringes upon the rights of any individual or that negatively impacts the College's reputation and/or its standing as a true partner in its communities.

This will apply in cases concerning students, employees, contractors and third-party service providers as well as governors, volunteers or visitors of Fleming College:

1. occurring within or affecting people or property within the physical boundaries of the College and in virtual learning settings;
2. occurring on or affecting College owned or controlled property, including student residences;
3. occurring with the use of computer and telephone systems, and College and private vehicles being used for college business or for travelling between work and study locations;
4. at a College-sponsored event;
5. occurring off-campus or online which are likely to have an impact on the working, living and/or learning environment at the College, or could reasonably be seen to endanger or adversely affect the health and safety of the College Community.

Incidents occurring off campus which have no or little likelihood of any impact on the environment at the College would be pursued by individuals through the regular external processes.

Any student who violates any section of the Criminal Code of Canada or any other federal, provincial, municipal statute, regulation, order or directive, College policy or regulation while on College property or at a College activity is subject to this policy. Reports by students regarding harassment or discrimination on the basis of any prohibited ground under the Ontario Human Rights Code may be addressed by College Policy #3-311, *Harassment and Discrimination Prevention*.

Students who wish to make reports regarding sexual violence should refer to College Policy #3-342, *Sexual Violence Prevention*.

Any student who has a complaint about their program of study or any other academic concern should refer to College Policy #2-201, *Academic Regulations*.

5.0 – Student Rights

5.1 – Overview

As with all individuals in Ontario, students at Fleming College enjoy rights Ontario's *Human Rights Code*, the *Canadian Charter of Rights and Freedoms*, and *Accessibility for Ontarians with Disabilities Act*.

Fleming College is subject to these statutes and supports the students' right to legitimately and appropriately exercise these rights and freedoms. The ability and manner in which a right or freedom is exercised is context specific and will reasonably vary in different circumstances, including within an educational institution. All students have the right to a safe environment that is free from harassment or reprisals.

At Fleming College, the student's most essential right is the right to learn. In this regard, students have several specific rights as outlined below.

5.2 – The Right to Learn

- a) The right to receive reasonable accommodation for a documented physical, learning or psychological disability.
- b) The right to physical conditions within the College facilities that promote learning and well-being.
- c) The right to be treated with respect and dignity by College employees.
- d) The right to be considered the owners of any work submitted for which the College does not provide the materials.
- e) The right to own any project work when the materials are purchased by the student.
- f) The right to their own submitted course work and the right to have the evaluation explained if applicable within the Academic Regulations timeframe and impartially graded.
- g) The right to receive academic information as may be necessary to understand the requirements to successfully complete their course or program of instruction, including course information sheets for each course of study.

5.3 – The Right to Privacy

- a) In recognition of students' rights, under the *Freedom of Information and Protection of Privacy Act of Ontario* (FIPPA), the College shall protect the privacy of student personal information and provide students with a right of access to their personal information (subject to the limited exclusions outlined in FIPPA) in accordance with the provisions of that statute and College Policy #1-111, *Access to Information and Protection of Privacy Policy*.
- b) Fleming College is committed to patient privacy, and to protecting the confidentiality and security of the sensitive student personal health information that it holds, in accordance with the *Personal Health Information Protection Act* (PHIPA) and College Policy #1-112, *Information Practices Related to Personal Health Information*.

The College may handle your personal health information when you seek health care from one or more of these College services:

- Counselling Services;
- Student Health Services; and/or
- The Massage Clinic.

Under PHIPA the College is a health information custodian that operates these services and it has a legal obligation to safeguard your personal health information.

5.4 – The Right to be Informed

- a) The right to access the rules and regulations of the College that affect students, including all policies, procedures and regulations, at the beginning of the academic year.
- b) The right to access the College's definition of cheating and plagiarism and the consequences for such acts of academic dishonesty.
- c) The right to inquire into, and be informed about, the reasons for the rules and regulations which affect students.

5.5 – The Right to be Heard

- a) The right to address appropriate College administration for changes to the rules and regulations that affect students.
- b) The right to have the Student Government or other student

representation be present during a Student Rights and Responsibilities meeting at the request of a student complainant or respondent.

- c) The right to make a complaint concerning academic or other College matters and to receive a response in a timely manner as identified in the applicable policy or procedure.
- d) The right to be informed of, and be able to respond to, allegations of unacceptable behaviour or any conduct for which sanctions may be imposed.

5.6 – The Right to Appeal

- a) The right to appeal, subject to this Student Rights and Responsibilities Policy, any decision/sanction taken or imposed by the College as a result of a formal process affecting his or her standing within the Fleming community. For all other College appeals refer to the relevant policy for specific procedures.

5.7 – The Right to Organize

- a) The right to form, join in, or take part in a lawful group or organization for intellectual, religious, social, economic, political, cultural or recreational purposes subject to College policies.

5.8 – The Right to Use College Facilities

- a) The right, as a member of a student body recognized by the College, to use facilities designated by the College as available for student use, including religious and spiritual purposes. Students will abide by any College regulations in regard to such use, including the payment of fees or expenses.

6.0 – Student Responsibilities

6.1 – Overview

Within the Fleming Community, the student's most fundamental responsibility is to actively take responsibility for their own learning, supporting and promoting an environment that is conducive to learning for all. The responsibilities listed below and the specific examples of breaches of those responsibilities are designed to educate and to ensure that a safe, equitable and respectful learning environment is maintained at Fleming College. Students who breach any of these responsibilities may receive a sanction according to the associated procedure. Students have a right to expect that all other members of the College Community will meet the standard of behaviour outlined in the following responsibilities.

6.2 – Respect for Persons

Students have the responsibility to respect the well-being, and the sense of personal worth and dignity of other students and members of the College Community on campus, in virtual learning environments and off-campus (in accordance with this policy).

Breaches of this responsibility include, but are not limited to the following:

- a) Any student who commits an act of violence, as defined in College Policy #4-420, *Violence Prevention* against any person or any member of the College Community.
- b) Any student who threatens, communicates or acts in an intimidating manner against any person.
- c) Any student who commits an act of sexual violence, as defined in College Policy #3-343, *Sexual Violence Prevention*, against any other person or threatens another person with sexual violence. This includes, but is not limited to, sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, degrading sexual imagery, distribution of sexual images or video without consent, cyber harassment and cyber stalking (refer to College Policy #3-343, *Sexual Violence Prevention*).
- d) Complaints of sexual harassment are dealt with through the Harassment and Discrimination Prevention policy established by the College (refer to College Policy #3-311, *Harassment and Discrimination Prevention*).
- e) Any student who harasses another person on College property or any member of the College Community including but not limited to ancestry, place of origin, colour, ethnic origin, citizenship, sex, marital status, family status, disability, race, creed, sexual orientation, gender identification, age or economic status. Violations of Ontario's *Human Rights Code* will be dealt with through the College Policy #3-311, *Harassment and Discrimination Prevention*.
- f) Any student who makes false or misleading statements, whether written or spoken, which are damaging to the reputation of another member of the College Community or the College.
- g) Any student who acts in a disrespectful way to another person, including but not limited to yelling, swearing, using profanity or by using demeaning speech gesture.
- h) Any student who violates a public health regulation, mandate or order.

6.3 – Respect for Property and College Facilities

Students have the responsibility to respect College Property, the property of other members of the College Community and to respect the proper use of College facilities. Acts of theft should also be reported to the police.

Breaches of this responsibility include but are not limited to the following:

- a) Any student who commits an act of theft or is in possession of stolen property while on College property, or engages in an act of theft or possession of stolen property affecting the property of the College or any member of the College Community.
- b) Any student who fails to return borrowed College property after the date for its return and/or demand for its return has been made.
- c) Any student who intentionally or carelessly damages or defaces College property or the property of any member of the College Community.
- d) Any student who litters the campus.
- e) Any student who enters any part of College property where that person has no right to be or who enters College property after having been excluded from entry by a sanction or legitimate order from a College agent or employee is a trespasser.
- f) Any student who violates the College Policy #6-601, *Information Technology Appropriate Use*.
- g) Any student who disobeys rules and regulations concerning the use of campus buildings and other College owned or operated facilities.
- h) Any student who possesses, duplicates or uses any College key without proper authorization.

6.4 – Maintain Orderly Learning and Working Environment

Students have the responsibility to contribute to an orderly learning and working environment while on campus or any other learning or work experience associated with the College.

Breaches of this responsibility include but are not limited to the following.

- a) Any student who disrupts a class, laboratory, placement situation, field trip, extra-curricular activity or who is disruptive in a learning centre, whether by sounds or actions, or by failing to follow the directions of any teacher, or person in authority.

- b) Any student who by sounds or actions creates a disturbance anywhere on College property, or otherwise interferes with the peaceful use of College property or a College activity by others.
- c) Behaviour or use of a specific area on campus that is contrary to its intended use, including, but not limited to, Reflection Space, Tipi, Outdoor Learning Space.
- d) Any student who creates a false alarm on College property by any means (ie pulling a false fire alarm).
- e) Any student who is in possession of or uses a tool, knife, weapon or other device contrary to the Criminal Code of Canada, the Firearms Act, and College Policy #4-407, *Firearms and Weapons* (outside of accepted curricular activities related to weapons), for purposes not otherwise approved. Refer to College Policy #4-407, *Firearms and Weapons*

6.5 – Alcohol, Cannabis and Prohibited Substances

Students have the responsibility not to abuse alcohol, cannabis, medical or prohibited substances while on College property or at a College activity.

Breaches of this responsibility include but are not limited to the following:

- a) Any student who is on College property or is involved in a College activity and is in a state of intoxication due to alcohol consumption or another substance.
- b) Any student who is in possession of or sells alcohol while on College property or while involved in a College-related activity, except where such possession is licensed, authorized or permitted under the laws of the province of Ontario.
- c) Any student who is in possession of any substance controlled under the *Controlled Drugs and Substances Act* or the *Food and Drug Act* while on College property or involved in a College activity or who offers or sells such substances. Exceptions would include a labelled prescription for the student in possession, or Naloxone
- d) Any student who uses, advertises, cultivates, produces, or distributes cannabis or cannabis products inside College buildings, including residences, inside any vehicle stopped, parked or in motion on College property, on all College Property including but not limited to parking lots, trails and pathways, in contravention of College Policy #4-429, *Cannabis Possession and Use*.

6.6 – Honesty

Students have the responsibility to be honest with respect to academic matters and to be honest when dealing with other members of the College Community.

Breaches of this responsibility include but are not limited to the following:

- a) Any student who breaches academic integrity. Refer to College Policy #2-201A, *Academic Integrity*.
- b) Any student who misrepresents any fact to the College or fails to disclose a fact, or assists another to do so, where such misrepresentation affects admission, matters of academic standing or another College process.
- c) Any student who engages in fraudulent behaviour, misconduct, coercion, or illegal gambling.

6.7 – Off-Campus Conduct

The College expects students to set for themselves the highest standard of behaviour off-campus, including behaviour that respects the health, safety, and rights of members of the College community and the larger community. The College does not condone behaviour that unreasonably infringes upon the rights of the any individual or that brings the College's good name into disrepute.

Breaches of this responsibility include but are not limited to the following:

- a) Conduct that has or might reasonably be seen to have an adverse effect on interfere with, or threaten the proper functioning of the College, its mission, the rights of a fellow student or other member of the College community to use and enjoy the College's learning, working and/or living environments, or that raises concerns for the health, safety or security of any individual who is on campus or participating in a College program, event or activity; or
- b) Where the conduct occurs at a program, event or activity not hosted, sanctioned, sponsored, or organized by the College that because of the nature of the program, event or activity and/or the number of students involved, might reasonably be seen to have a direct or indirect association with the College.

In determining whether or not to exercise jurisdiction over off-campus conduct, the Vice President Student Experience or their designate will consider the seriousness of the alleged conduct, the risk of harm involved, whether the victim(s) are members of the College Community and/or whether the off-campus conduct is part of a series of actions that occurred both on and off the Premises or whether the impact of the off-campus

conduct has negatively impacted the learning, working and/or living environment at the College.

7.0 – Related Documents

- *Human Rights Code*, R.S.O. 1990, c. H.19
- *Canadian Charter of Rights and Freedoms*, s 7, Part 1 of the *Constitution Act*, 1982, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11
- *Accessibility for Ontarians with Disabilities Act*, 2005, S.O. 2005, c. 11
- *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, s. 1.
- *Personal Health Information Protection Act*, 2004, S.O. 2004, c. 3, Sched. A.
- College Policy #3-311, *Harassment and Discrimination Prevention*
- College Policy #3-343, *Sexual Violence Prevention*
- College Policy #4-420, *Violence Prevention*
- College Policy #2-201, *Academic Regulations*
- College Policy #4-407, *Firearms and Weapons*
- College Policy #1-110, *Honouring the Rights of Indigenous Peoples*
- College Policy #1-111, *Access to Information and Protection of Privacy*
- College Policy #1-112, *Information Practices Related to Personal Health Information*
- College Policy #4-429, *Cannabis Possession and Use Policy*
- College Policy #2-201A, *Academic Integrity*
- Administrative Operating Procedure #5-506 OP, *Student Rights and Responsibilities*
- Administrative Operating Procedure #4-420 OP, *Violence Prevention*
- Administrative Operating Procedure #3-311 OP, *Harassment and Discrimination Prevention*

History of Amendments/Reviews

Student Responsibilities Policy (#3-326) approved by Board of Governors September 2, 1992

Minor revisions approved August 1999

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