



Student Code of Conduct – Non-Academic

Category: General

Jurisdiction: Provost and Vice President, Academic; Board Learning & Research Committee;

Approval Authority: Board of Governors;

Established on: Approved on February 1, 2019 with an effective date of May 1, 2019;

Amendments: September 26, 2019 (editorial).

TABLE OF CONTENTS

SECTION I: INTRODUCTION	3
Preamble.....	3
Statement of Principles and Purpose.....	4
Scope.....	5
Application of Policy Examples.....	5
Peaceful Assemblies and Demonstrations.....	5
On Campus.....	5
Off Campus.....	5
Persons Covered by this Non-Academic Code.....	6
Advisory Regarding Internet, Social Media or other Online Postings.....	7
Relationship to Other Policies and Proceedings.....	7
Civil or Criminal Proceedings.....	7
Privacy and Confidentiality.....	8
Complainants and/or Harmed Parties.....	9
SECTION II: RESPONSIBILITIES AND EXPECTATIONS	9
Responsibilities of Students.....	9
Students Living in Residence: Additional Expectations.....	10
Student Athletes: Additional Expectations.....	10
Student Leaders and Student Groups/Organizations: Additional Expectations.....	10
SECTION III: NON-ACADEMIC MISCONDUCT	11
Misconduct Against Persons.....	11
Misconduct Against Property or University Operations.....	12
Misrepresentation, False Information.....	14
Aiding and Abetting in the Commission of an Offence.....	14
Alcohol and Drugs.....	15
Weapons, Explosives, and Dangerous Goods.....	15
Failure to Comply.....	15
Abuse of Non-Academic Code Processes.....	16
Violation of Policies, Protocols, Procedures and Regulations.....	16
SECTION IV: PROCEDURAL PRINCIPLES	17

Commitment to Fairness.....	17
Accommodations for those with a Disability	17
Support and Advice: Accompaniment/Representation	17
Protection from Reprisal	18
Cooperation and Self-Incrimination	18
Standard of Proof.....	18
Nature of Communications.....	18
Consultation in the Review Process of a Complaint	19
Time Requirements.....	19
Recording of Meetings.....	19
Requests for Transcripts and Withdrawals from Courses or the University During a Non-Academic Code Investigation	19
Behaviour Related to a Health Condition	20
Complaints Involving Sexual Violence, Discrimination or Harassment	20
SECTION V: ROLES AND RESPONSIBILITIES.....	20
Roles and Responsibilities of Judicial Officers	20
Appointment and Accountability of Judicial Officers	20
Authority of Judicial Officer	21
Responsibility of Judicial Officer	21
Roles and Responsibilities of Complainant and Respondent	21
Complainant Responsibilities	21
Respondent Responsibilities	22
SECTION VI: COMPLAINT INVESTIGATION AND ADJUDICATION	22
Filing a Complaint and Timeframe.....	22
Complaint Investigation and Adjudication.....	23
Preliminary Assessment	23
Informing the Respondent.....	24
Investigations	25
Decision and Summary of Outcome.....	26
Failure to Comply with Sanctions	28
Appeal Process	28
SECTION VII: INTERIM MEASURES, REMEDIES AND SANCTIONS	28
Interim Measures.....	28
Remedies	29
Sanctions.....	30
SECTION VIII: BEHAVIOUR(S) RELATED TO A HEALTH CONDITION.....	33
Information Gathering Meeting	33
Determination to Enact Procedures for a Student with a Health Condition	34
Response to a Student with a Health Condition as it Pertains to this Non-Academic Code	34
Review Meeting	35
Involuntary or Voluntary Withdrawal.....	36
SECTION IX: STUDENT DISCIPLINE RECORDS AND ANNUAL REPORTS	37
Discipline Notation on Academic Transcript	37
Records of Complaints, Investigation, and Outcome.....	37
Annual Reports on Non-Academic Misconduct	37
DEFINITIONS.....	37
Bullying.....	38
Complainant.....	38
Emergency Measures	38
Expulsion	38
Harassment.....	38

Hazing	39
Judicial Officer	39
Non-Academic Misconduct	39
Personal Information	39
Policies, Protocols, Procedures, and Regulations.....	40
Racism	40
Restorative Justice.....	40
Respondent.....	41
Sexual Violence.....	41
Student	41
Student Group	41
Support Person	41
Suspension	42
University.....	42
University Community	42
University Property.....	42
Working Days.....	42

SECTION I: INTRODUCTION

PREAMBLE

1. Lakehead University is committed to building and maintaining a diverse and inclusive community where Students, employees and visitors can work and learn in an environment that supports the academic mission of the University, adheres to University policies, and respects the dignity and work of members of the Lakehead University community.
2. As stated in the Lakehead University Act (1965), the objects and purposes of the University are:
 - a. The advancement of learning and dissemination of knowledge; and
 - b. The intellectual, social, moral and physical development of its members and the betterment of society.
3. The ability to learn can be preserved through respect for the rights of others, respect for the free expression of ideas, and respect for the law.
4. The University expects and requires of its Students behaviour compatible with its high standards of scholarship and conduct.

STATEMENT OF PRINCIPLES AND PURPOSE

5. The ***Student Code of Conduct - Non-Academic*** (hereinafter referred to as the “Non-Academic Code”), reflects the expectation that Students will conduct themselves in a manner consistent with University policies, protocols, procedures and regulations as well as in compliance with all federal, provincial and municipal laws, including human rights codes and policies, as well as all professional standards and codes of ethics that govern Students who are members of regulated professions.
6. Each Student accepts the University’s policies, protocols, procedures and regulations; and acknowledges the rights and obligations contained herein of the University and such Students (e.g.: such as the University’s right to take disciplinary action, including suspension or expulsion)
7. This Non-Academic Code outlines in a non-exhaustive manner, actions that the University considers to be Non-Academic Misconduct offences and Sanctions as well as the range of remedies that may be imposed.
8. The University is committed to the principles set out below. The interpretation of this Non-Academic Code is based on the following principles:
 - Lakehead University is a learning, teaching and working community of Students, faculty and staff. The University has an obligation to ensure safe and healthy conditions for learning, teaching, and working.
 - Students are entitled to the rights and freedoms recognized by law, in particular human rights codes and policies.
 - Students will conduct themselves in a manner consistent with the educational mission and policies of the University.
 - Students are expected to act and communicate with scrupulous respect for the human dignity of all others both within the classroom and outside of it, whether academic, social, or recreational settings.
 - Complaints will be handled and decision-making processes conducted in a manner consistent with the principles of natural justice and procedural fairness.

SCOPE

9. This Non-Academic Code applies to non-academic behaviours of Students. Academic conduct is governed by the **Student Code of Conduct – Academic Integrity**. For greater certainty, this Non-Academic Code may apply to any situation involving Student conduct to which the Student Code of Conduct – Academic Integrity does not apply.
10. Jurisdiction over violations of this Non-Academic Code includes actions on University Premises, at University sponsored events, or elsewhere (including on the internet or through social media) when an identifiable interest of a University member or the University is concerned.
11. The University may take necessary and appropriate action to protect the safety and welfare of the campus community notwithstanding this Non-Academic Code. This may include taking necessary and appropriate action in cases where a Student is accused of serious conduct, and where there is a clear connection to the campus community regardless of where the conduct occurred or is alleged to have occurred.
12. A non-exhaustive list of further examples of application of this Non-Academic Code may apply are set out in paragraphs 13 to 24.

APPLICATION OF POLICY EXAMPLES

Peaceful Assemblies and Demonstrations

13. Nothing in this Non-Academic Code shall be construed to prohibit peaceful assemblies and demonstrations (e.g.: lawful picketing)

On Campus

14. This Non-Academic Code applies to Student conduct that occurs on University Premises and Student use of University Property.

Off Campus

15. This Non-Academic Code applies to conduct that occurs off University Premises:

- a. When Students are representing, or presenting themselves as representatives of the University or a University Student group/organization;
- b. When Students are on a course, participating in a Study Abroad program, participating in an organized class activity, participating in co-op placements, internships, or practica; and/or
- c. When the Student's actions or behaviour has, or might reasonably be seen to have, an adverse effect on, interfere with, or threaten the proper functioning of the University, its mission, the rights of a member of the University community to use and enjoy the University's learning and working environments, or to raise concerns for the safety or security of an individual or individuals while on campus or while participating in University programs, events or activities.

Persons Covered by this Non-Academic Code

16. This Non-Academic Code applies to the following persons:
 - a. Currently enrolled Students whether full-time or part-time; special, undergraduate, graduate, professional studies; credit or non-credit, including collaborative programs and when on placements that are part of their academic program.
 - b. Individuals who have confirmed their intent to enroll in programs, those attending orientation sessions, and Students between academic terms.
 - c. Former Students, if the person was an enrolled Student at the time of the alleged violation of the Non-Academic Code.
17. If proceedings under this Non-Academic Code cannot be initiated or completed because a person against whom a Complaint is filed is no longer a Student, the proceeding may continue if the person becomes a Student again.
18. Sanctions which have not been fully carried out pertaining to a former Student, shall be noted on the person's record and the person may not be permitted to be a Student at the University until such time that the Sanctions imposed has been fulfilled.

Advisory Regarding Internet, Social Media or other Online Postings

19. Students are reminded that images, postings, dialogues, and information about themselves or others on the internet (e.g. on any social networking sites such as Facebook and Twitter) are public information.
20. Conduct (which includes posting of content) in such forums may fall under this Non-Academic Code.

Relationship to Other Policies and Proceedings

21. When conduct may violate multiple University policies, the University will assess whether this Non-Academic Code should apply and how best to proceed to ensure a fair, expeditious and, where possible, streamlined approach.
22. Under the Ontario Occupational Health and Safety Act (OHSA), all incidents of workplace violence, harassment that could lead to workplace violence, or domestic violence that may continue in the workplace must be reported. Incidents involving OHSA related issues will be managed in accordance with University policies.

Civil or Criminal Proceedings

23. Conduct that constitutes a breach of the Criminal Code or other statute, or that would give rise to a civil claim or action, should ordinarily be dealt with by the appropriate criminal or civil proceedings. Formal resolution by the University of any allegations that are the subject of a criminal or civil court proceeding may be suspended until the resolution of that proceeding.
24. In cases in which criminal or civil proceedings have not been taken, or the proceedings would not adequately provide adequate safety and risk mitigation measures or protect the University's interest, which includes the safety of Students, the University may act under this Non-Academic Code, including the application of Interim Measures.

PRIVACY AND CONFIDENTIALITY

25. The University is bound by its policies regarding the confidentiality of each Student's Personal Information, the Freedom of Information and Protection of Privacy Act (FIPPA), and the Personal Health Information Protection Act (PHIPA).
26. The University will limit the disclosure of Personal Information to those circumstances where it deems necessary. These circumstances may include:
 - a. An individual who is at risk of harming themselves;
 - b. An individual who is at risk of harming others;
 - c. Whenever there are reasonable grounds to be concerned with risk to the safety of the University and/or broader community;
 - d. If disclosure is required by law; and/or
 - e. Evidence of an incident or a disclosed incident of sexual or gender based violence is available in the public realm (e.g. video shared publicly on social media).

For example, all regulated health professionals are obligated to report suspected sexual abuse of a patient by a regulated health professional to that professional's governing body if this information is acquired during the course of their practice.

27. In such circumstances, the minimum amount of Personal Information needed to allow such concerns to be addressed, or meet such requirements, will be disclosed. Such disclosure may include the University contacting a Student's parents, emergency contact, or other appropriate contacts if there are reasonable grounds to believe that it is necessary to do so.
28. Personal Information may be shared between relevant University personnel within their offices, in order to carry out the rights and obligations under this Non-Academic Code.
29. The University and its Judicial Officers will take reasonable measure to ensure the privacy of all parties involved.
30. Information related to Complaints, proceedings and any resulting Sanctions will be shared only as necessary.

COMPLAINANTS AND/OR HARMED PARTIES

31. Upon request, the University may provide support or referrals to Students or employees who have been affected by any violation of this Non-Academic Code, which may include any of the following as applicable:
- a. Student Health and Wellness;
 - b. Office of the Ombudsperson;
 - c. Office of Human Rights and Equity; and/or
 - d. University Security Services;

SECTION II: RESPONSIBILITIES AND EXPECTATIONS

Responsibilities of Students

32. Students' responsibilities include:
- a. The responsibility to support an environment free from harassment, intimidation, discrimination, assault and sexual and gendered violence;
 - b. The responsibility to uphold an atmosphere of civility, honesty, equity and respect for others, thereby valuing the inherent diversity within our community;
 - c. The responsibility to consider and respect others, even when the Student does not agree with their perspective or ideas;
 - d. The responsibility to behave in a way that does not harm or threaten to harm another person's physical or mental wellbeing;
 - e. The responsibility to respect the property of others including University Premises and University Property;
 - f. The responsibility to not disrupt or interfere with university activities or functions (e.g. classes and other academic activities, University programs, co-curricular activities, etc.);
 - g. The responsibility to appropriately respect the personal privacy of others;
 - h. The responsibility to be acquainted with and adhere to University policies, protocols, procedures and regulations as they apply to such Student;

- i. The responsibility to act in accordance with all civil, provincial, and federal laws and to be in compliance with human rights codes and policies; and
- j. The responsibility to comply with any Sanctions implemented under any code (Non-Academic Code or Academic Integrity Code), and respecting the authority of University.

Students Living in Residence: Additional Expectations

33. Students living in Residence are governed by the **Residence Housing Contract** and a breach of such contract may be a breach of this Non-Academic Code.

Student Athletes: Additional Expectations

34. Student Athletes shall also govern themselves in accordance with their **Student-Athlete Agreement** and the **Student-Athlete Code of Conduct**.

Student Leaders and Student Groups/Organizations: Additional Expectations

35. Students who are acting for Student Groups have a responsibility to respect the rights of others and to conduct themselves in a responsible manner in compliance with any federal, provincial, civic laws and with all relevant University policies, protocols, procedures and regulations while on University premises and/or at events off-campus and/or at events that occur on the internet or through social media organized by the group.
36. Student Group executives and/or the primary event organizer may be held responsible for violations of this Non-Academic Code. Student Leaders, executives or any identifiable spokesperson of a Student Group may be held collectively and/or individually responsible when violations are committed by a person associated with the group who has received consent or encouragement from the Group's leaders or if those Leaders knew that such violations were being or would be taking place.
37. Student Leaders and Student Groups shall:
 - a. Follow risk management procedures as outlined in the [Risk Management Planning and Approval Form](#). For assistance and questions related to this, consult with the [Office of Risk Management and Access to Information](#);

- b. Follow the expectations outlined in the [Orientation and Welcoming Activities policy](#); and
 - c. Comply with the directive(s) of the Vice-Provost (Students) & Registrar, or designate (e.g. Director, Student Affairs – Orillia for Orillia Student Leaders/Groups).
38. Failure by Leaders of Student Group or Students acting for the group to comply with a University directive may be considered a violation of this Non-Academic Code and subject to Sanctions.

SECTION III: NON-ACADEMIC MISCONDUCT

39. An exhaustive list of all possible Non-Academic Misconduct cannot be provided, but includes those set out in this Section III. Any of the following activities may constitute a Non-Academic Misconduct under this Non-Academic Code and is subject to Sanctions. Furthermore, Non-Academic Misconduct may be subject to criminal prosecution notwithstanding and in addition to this Non-Academic Code.

Misconduct Against Persons

Hazing

40. No Student shall engage in Hazing for any purpose including initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization.

Bullying, Verbal Abuse, Threat, Intimidation

41. No Student shall engage in Bullying. No Student shall engage in behaviour that causes an individual to fear or submits an individual to indignity or undue discomfort, or threatens or endangers the mental health or safety of any member of the University community.

Physical Abuse, Bodily Harm

42. No Student shall directly or indirectly physically abuse or inflict bodily harm upon others, or engage in physical behaviours that may submit any person to indignity, threatens or endangers the physical or mental health or safety of any member of the University community. Cruelty and abuse of any animals shall not be tolerated.

Sexual Violence

43. Sexual Violence is defined under the University's Sexual and Gender Based Violence Response Policy and any violation for such Policy may be a violation of this Non-Academic Code.

Harassment

44. No Student shall engage in Harassment of any individual or group.

Discrimination

45. No Student shall engage in discriminatory conduct towards any individual on the basis of any grounds enumerated in the Ontario Human Rights Code.

Misconduct Against Property or University Operations

Disruptive Behaviour

46. No Student shall interfere, obstruct or disrupt University Operations (e.g. teaching, research field and/or community placements, practicums, studying, Student events, disciplinary proceedings, etc.). No Student shall incite hatred or violence on University Premises or while engaged in University Operations, individually or with a group or in connection with a demonstration.

Unauthorized Entry or Presence

47. No Student shall enter into or remain on University Premises without authorization. Students who violate this provision may be charged under the *Trespass to Property Act*.

Damage and Destruction to Property

48. No Student shall:
- Misappropriate, destroy or otherwise damage University Property. Creating an unsanitary condition is considered to be damage to University Property;
 - Misappropriate, destroy or otherwise damage any property not the person's own on University Premises; and/or

- c. Deface the inside or outside of any University Property or University Premises.

Unauthorized Use or Interference with Facilities, Equipment, Materials or Services

49. No Student shall:

- a. Use any University Property contrary to express instruction or without proper authority;
- b. Obtain and/or use any University Property by fraudulent means such as by providing false information;
- c. Interfere with, obstruct, or tamper with emergency telephones, fire protection equipment or emergency facilities (e.g. fire bells, fire extinguishers, fire hoses), disconnect or block fire alarms, set unauthorized fires, raise a false fire alarm, block or wedge open fire and emergency exit doors in corridors or stairwells, or other similar activities; and/or
- d. Without proper authority, make, alter, use, receive or possess University supplies or documents. University supplies and documents include but are not limited to equipment, keys, records, permits, letterhead, stationery, envelopes, or other official University documentation.

Misuse of Library or Information, Technology, and/or Computer Resources

50. No Student shall:

- a. Remove books or other library material from University libraries without proper authorization;
- b. Mutilate or deface library books, equipment or materials;
- c. Purposefully misplace library resources or in any circumstances deprive others of access to library resources;
- d. Abuse any University information resources, including (without limitation) computer or computer-related facilities or software, alter or remove computer files or software without proper authorization, purposefully misplace them, or deprive others of access to information resources;
- e. Use computer equipment on campus to download, distribute or send offensive, discriminatory, intimidating, threatening and/or harassing material; and/or

- f. Breach or misuse the [Code of Computing Practice](#) or the [Library Code of Conduct](#).

Theft

51. No Student shall steal or otherwise convert to their own use property of another on University Premises. This includes possession of University Property or the property of any member of the University community without the permission of the rightful owner.

Misrepresentation, False Information

Identification (refusal to identify or impersonation)

52. No Student shall:
- Misuse their own or another person's identity, password, identification numbers, University identification card or any other identification card;
 - Assist another to misuse any identity, password, identification number, University identification card or any other identification card;
 - Refuse to identify themselves upon request by University officials acting in the course of their duties; and/or
 - Be in possession of, or distribute false identification or altered identification.

Falsifying or Altering Records

53. No Student shall falsify, alter, remove, withhold, or concoct any records (e.g. medical records, notes) including compassionate documents, correspondence, academic documents, or any other documentation.

Aiding and Abetting in the Commission of an Offence

54. No Student shall:
- Knowingly aid or abet any persons in the commission of any infraction of this Non-Academic Code. Students who assist in misconduct will be equally liable; and/or
 - Sign in or admit a guest unless such Student assumes full responsibility for the guest's behaviour as it relates to this Non-Academic Code.

Alcohol and Drugs

55. No Student shall possess or consume alcoholic beverages except as permitted by law and University policies.
56. No Student shall manufacture, sell, deliver, possess, or use of any controlled substance (e.g. drug, chemical or product), and/or possess drug paraphernalia, except as permitted by law and University policies.
57. Intoxication is never grounds for leniency. Rather, excessive drinking and/or use of drugs is subject to Sanctioning, notwithstanding and in addition to Sanctions for misconduct associated with use of alcohol or drugs.

Weapons, Explosives, and Dangerous Goods

58. No Student shall:
 - a. Be in possession; or
 - b. Bring any weapons, explosives, incendiary devices, dangerous chemicals or other dangerous goods onto University Premises or any other premises upon which University Operations are occurring.
59. The term “weapon” includes, but is not limited to, firearms, explosives (including fireworks), air guns, pellet guns, BB guns, paint guns, crossbows, long bows, swords, martial arts weapons, prohibited blades, combat knives, brass knuckles, replica or imitation firearms, including toys, and any other prohibited device as defined by the Criminal Code of Canada, as more particularly set out in the [Lakehead University Weapons Policy](#) for further information including exemptions.

Failure to Comply

60. No Student shall:
 - a. Fail to comply with directions given during any University emergency (i.e. fire or evacuation drills);
 - b. Fail to comply with the directions by the Lakehead University Security Services acting in the performance of their duties;

- c. Fail to comply with directions given by any person acting in the performance of their duties;
- d. Possess food or drink in any area where prohibited; and/or
- e. Smoke in any area where prohibited.

Abuse of Non-Academic Code Processes

61. No Student shall:
- a. Falsify, distort or otherwise misrepresent information before Judicial Officers or before any Appeal Tribunal;
 - b. Disrupt or interfere with the orderly conduct of a meeting with Judicial Officers or any Appeal Tribunal;
 - c. Knowingly falsify an incident report regarding another Student;
 - d. Attempt to discourage an individual's proper participation in or use of the Non-Academic Code Processes;
 - e. Attempt to influence the impartiality of a Judicial Officer or any member of an Appeal Tribunal;
 - f. Harass (verbally or physically) and/or intimidate a Judicial Officer or any member of an Appeal Tribunal;
 - g. Influence or attempt to influence another person to commit an abuse of the Non-Academic Code Processes; and/or
 - h. Commence a frivolous, vexatious, false or bad faith Complaint against any member of the University community. Such Complaints may result in Sanctions against the individual who lodged them.

Violation of Policies, Protocols, Procedures and Regulations

62. No Student shall violate any published University policies, protocols, procedures or regulations.
63. No Student shall violate any municipal, provincial or federal law.

64. No Student shall violate the published rules governing University residences relating to residence life as articulated in the [Residence Community Standards](#).
65. No Student shall breach rules of conduct set out by professional bodies and adopted by the University for a professional program as part of the code of conduct or expectations in such program.

SECTION IV: PROCEDURAL PRINCIPLES

Commitment to Fairness

66. The procedures for handling violations of this Non-Academic Code reflect both the gravity with which the University views such offences and the University's commitment to fairness.
67. A Student who is alleged, in a Complaint, to have engaged in a violation of this Non-Academic Code (also known as the Respondent) is entitled to presumption of innocence, have the matter addressed fairly and expeditiously in accordance with the principles of natural justice, procedural fairness and this Section IV.

Accommodations for those with a Disability

68. Any individual who may require accommodations due to a disability during any aspect of a Non-Academic Code process is entitled to appropriate accommodations. Any Non-Academic Processes may be modified in accordance with such accommodation.
69. An individual who may, due to a disability, require information or documents in another format, should inform the Office of Student Affairs.

Support and Advice: Accompaniment/Representation

70. Complainants and Respondents may be accompanied by a [Support Person](#) at any stage of the Non-Academic Code Processes.
71. A Support Person is expected to be present in person, unless otherwise determined by the University. It is the Student's responsibility to ensure that any Support Person can attend the meeting as scheduled.

72. The role of a Support Person (apart from legal counsel at the appeal process) is to provide personal and moral support while accompanying a Student to any meeting. The Support Person does not have the right to speak in the meeting or act as an advocate and may not ask questions of anyone present at the meeting.

Protection from Reprisal

73. The University prohibits reprisal or threats of reprisal against any community member who, sincerely and in good faith, makes use of this Non-Academic Code or participates in any process held under its jurisdiction. Any individual or body found to be making such reprisals or threats may be subject to Sanctions under the appropriate policy.

Cooperation and Self-Incrimination

74. Efforts will be made to support individuals coming forward and, if appropriate and possible, take their cooperation into account if any Sanction applies to their conduct.

Standard of Proof

75. The Judicial Officer is responsible for determining whether a Respondent has violated this Non-Academic Code. Such decisions will be based on a balance of probabilities, meaning the evidence shows it is more likely than not that the alleged violation occurred.

Nature of Communications

76. Normally, notices and any written communication around Non-Academic Code matters are delivered by way of an email to a Student's Lakehead email account; however, any Student may request communication be made available by hard copy. At times, notices and other written communications may be delivered in-person, by phone, or by mail (inter-campus, regular, priority, courier, or registered).

Consultation in the Review Process of a Complaint

77. While investigating or attempting to resolve a Complaint, the Judicial Officer may meet with, seek assistance from, and/or consult with any member of the University community with particular knowledge of the alleged incident or those involved. Where a varsity athlete is involved, the Judicial Officer will normally notify the Athletic Director and the Student's coach.

Time Requirements

78. Strict compliance with time requirements specified in this Non-Academic Code may be dispensed with, as necessary, in the interests of fairness and justice.

Recording of Meetings

79. Communications during meetings with Judicial Officers shall not be electronically recorded by any party, regardless of consent, unless specifically authorized by the University to accommodate a disability. Written notes of meetings are acceptable.

Requests for Transcripts and Withdrawals from Courses or the University During a Non-Academic Code Investigation

80. While a Non-Academic Code Investigation is underway for offences that may result in suspension or expulsion, the Student will not be issued transcripts directly, but, at the Student's request, transcripts may be sent to institutions or potential employers. If the Student is subsequently suspended or expelled, the recipients of the transcript will be issued a revised transcript. This restriction also applies in situations where the Student is no longer enrolled at the University during the investigation.
81. Withdrawal from the University or from a course while a Non-Academic Code investigation is underway does not prevent the subsequent rendering of a judicial outcome and assignment of a penalty, including any possible notation on a transcript, if the offence is substantiated.

Behaviour Related to a Health Condition

82. If at any stage of a Non-Academic Code Process it is determined that a Student's behaviour may be related to a health condition, the alternative procedures set out in Section VII may be used.

Complaints Involving Sexual Violence, Discrimination or Harassment

83. Normally, incidents and complaints of sexual violence will proceed under the authority of the [Sexual and Gender Based Violence Response Policy](#). Students are encouraged to contact the Office of Human Rights and Equity at humanrights@lakeheadu.ca, or in urgent situations the [University's Security Services](#), if they have experienced sexual or gender based violence, discrimination or harassment.

SECTION V: ROLES AND RESPONSIBILITIES

ROLES AND RESPONSIBILITIES OF JUDICIAL OFFICERS

Appointment and Accountability of Judicial Officers

84. The following are the University's Judicial Officers, each of whom may adjudicate Complaints under this Non-Academic Code:
- Associate Director, Residence
 - Director of Athletics
 - Vice-Provost (Teaching and Learning) & University Librarian
 - Vice-Provost (Students) & Registrar
 - Associate Vice-Provost (Students)
 - Manager, Student Conduct
 - Faculty Deans
 - Associate Vice-President, Administrative Services – Orillia Campus
 - Director, Student Affairs/Student Success – Orillia Campus

- Other individuals appointed by the President or the Provost and Vice-President (Academic) from time to time. This list may be amended by the President as administrative changes occur.

85. Judicial Officers are accountable to the Provost and Vice-President (Academic).

Authority of Judicial Officer

86. Judicial Officers have the authority to investigate Complaints and to determine the validity or non-validity of the Complaint.
87. Ordinarily, two (2) Judicial Officers will work together in the investigation of any Complaint.

Responsibility of Judicial Officer

88. No Judicial Officer shall make a finding of misconduct nor impose Sanctions against a Student without having followed the procedures outlined in Section VI of this Non-Academic Code.
89. Judicial Officers are responsible to determine and impose timelines for completion of Sanctions, where appropriate. Where a Respondent does not abide by the Sanctions imposed, including violating a behavioural contract, it is within the power and discretion of the Judicial Officer to reconsider the Sanctions and impose new and/or additional Sanctions if/when appropriate.
90. Judicial Officers are responsible for being familiar with this Non-Academic Code and participating in professional development regarding their obligations under this Non-Academic Code. Judicial Officers will conduct themselves with integrity when serving in this role.
91. Judicial Officers must declare any actual or perceived conflict of interest or possible bias to the Provost and Vice-President, Academic who shall determine whether the Judicial Officers should recuse themselves.

ROLES AND RESPONSIBILITIES OF COMPLAINANT AND RESPONDENT

Complainant Responsibilities

92. The Complainant has the following responsibilities:

- a. To appear at meeting(s) as requested by Judicial Officers;
- b. To read and be familiar with this Non-Academic Code, including all processes and procedures;
- c. To follow the procedures for submitting a Complaint;
- d. To inform the Judicial Officer whether a Support Person will be attending any meetings; and
- e. To tell the truth and be accountable for their action(s) and level of involvement in matters set out in the Complaint.

Respondent Responsibilities

93. The Respondent has the following responsibilities:
- a. To read the information provided by Judicial Officer regarding the Complaint;
 - b. To appear at meeting(s) as requested by Judicial Officers;
 - c. To read and be familiar with this Non-Academic Code, including all processes and procedures;
 - d. To inform the Judicial Officer whether a Support Person will be attending any meetings;
 - e. To tell the truth and be accountable for their action(s) and level of involvement in matters set out in the Complaint; and
 - f. To read and follow all Sanctions, if any, as outlined in the Judicial Outcome Letter.

SECTION VI: COMPLAINT INVESTIGATION AND ADJUDICATION

FILING A COMPLAINT AND TIMEFRAME

94. Any member of the University community may file a Complaint against a Student under this Non-Academic Code, alleging an offence of Non-Academic Misconduct. The Complaint must be filed in writing through the completion of the [Incident Report Form – Non-Academic Misconduct](#). A Security Report may constitute a Complaint.
95. The Complaint must include the Complainant's name and contact information. **Anonymous complaints will not be taken forward.**
96. Complaints must be filed with the Office of Student Affairs (Thunder Bay) or for Orillia via the Director, Student Affairs/Student Success, within twenty (20) working days after the alleged

violation has come to the attention of the Complainant. Complaints may also be submitted and filed with University Security Services who will then direct the Complaint to the Office of Student Affairs.

97. There is no limitation period on reporting incidents involving sexual violence.

COMPLAINT INVESTIGATION AND ADJUDICATION

Preliminary Assessment

98. The Office of Student Affairs (Thunder Bay) or for Orillia the Director, Student Affairs/Student Success, will conduct a preliminary assessment of the allegations within the Complaint to decide whether they fall within the jurisdiction of this Non-Academic Code or fall into any of the following categories;
- a. **Residence Community Standards** – Where the Complaint involves Breaches of Residence Community Standards these are most often handled by Residence Services in accordance with its disciplinary procedures and Sanctions. Serious offences, repeat offences, or repeat offenders may be immediately addressed through this Non-Academic Code.
 - b. **Student Athlete Code of Conduct** – Where the Complaint involves a breach of the Student Athlete Code of Conduct the Complaint may be redirected to the Director of Athletics.
 - c. **Sexual Violence** – Where the Complaint may involve a violation of the Sexual and Gender Based Violence Response Policy, the Complaint will be directed to the Office of Human Rights and Equity.
 - d. **Human Rights Related Complaints** - Complaints involving human rights related matters related to prohibited grounds under the Ontario Human Rights Code. There is a limitation period on the filing of complaints. Complaints of this nature should be directed to the Office of Human Rights and Equity.
99. If the Complaint does not address conduct that falls under this Non-Academic Code, the Complainant will be so advised and the file will be closed.

100. Complaints that are not redirected into any of the categories above will be assigned to one (1) or more Judicial Officers for investigation into the matter.
101. A preliminary assessment will determine whether the nature of the Complaint is such that interim or emergency measures are required, for example, when a Student is determined to pose a risk to self, to others or the safety and security of the University (See [Interim Measures](#)).
102. Where a preliminary assessment determines that the nature of the Complaint may, if the Complaint is upheld, result in suspension or expulsion, the Judicial Officer, or delegate, must advise the Associate Registrar of the investigation involving the Respondent. The Associate Registrar will ensure that, if requested, the Respondent will not be issued transcripts directly, but, at the Respondent's request, transcripts may be sent to institutions or potential employers. If the Respondent is subsequently suspended or expelled, the recipients of the transcript will be issued a revised transcript.

Informing the Respondent

103. The Judicial Officer(s) assigned shall inform the Respondent of a Complaint against them within ten (10) working days after the Complaint or incident report bearing the Complaint has been filed with the Judicial Officer(s).
104. The Judicial Officer(s) shall inform the Respondent of the Complaint in writing normally by way of an email to their Lakehead email account. (A Respondent may request that communication be made available by hard copy.) They shall be informed of the following:
 - a. That an investigation has been initiated and the nature of the allegation;
 - b. The alleged infractions of this Non-Academic Code;
 - c. The date and time of the meeting with the Judicial Officer(s), so named, if the meeting time is known;
 - d. That the Respondent must confirm in writing that they will attend the meeting; and
 - e. That the meeting will provide opportunity for the Respondent to speak to the Complaint and submit any relevant information or evidence about the facts around the Complaint.

They shall also be provided with:

- f. A link to this Non-Academic Code and any other relevant documentation;
- g. Contact information for the Office of the Ombudsperson, who may provide resources; and
- h. Notification that should the Respondent fail to attend the meeting, the Judicial Officer(s) will continue the investigation and have the authority to impose Interim Measures, impose interim disciplinary measure, or proceed and reach a decision on responsibility based on the information and documentation that has been received and reviewed.

Investigations

- 105. Investigations conducted under this Non-Academic Code are done in accordance with the principles of natural justice and procedural fairness as outlined in Section IV. Respondents have the right to know the Complaint against them, and to produce evidence and witnesses in response to any allegations.
- 106. Judicial Officers will gather the facts around the Complaint by meeting, normally in person and separately, with the Complainant and any relevant witnesses that have been identified.
- 107. A date and time for the **Respondent** to meet with the Judicial Officer(s) is normally set within seven (7) working days of the Judicial Officer(s) receiving the original Complaint.
- 108. In consultation with the Office of Student Affairs, or the Office of the Provost, the scope and manner, including the timing, in which the investigation will be conducted may be adjusted as may be necessary while ensuring the principles of procedural fairness.
- 109. Normally the Judicial Officers will meet first with the Complainant and witnesses before meeting with the Respondent. All those who attend such meetings are expected to keep confidential the meeting and any information shared to ensure the integrity of the proceedings.
- 110. It is the responsibility of the Complainant to provide all materials and information that will support their position.
- 111. A Student who was not previously identified as a Respondent but who, during the course of the investigation, is identified as a potential Respondent must be notified and given an opportunity for a meeting to respond to any allegations.
- 112. Meeting with the Respondent will normally occur in person and separately from any meeting with relevant witnesses for the Respondent.

113. Meeting with the Respondent will proceed according to the following guidelines:
- a. Introduction of Judicial Officers and their roles and responsibilities as outlined in Section V, as well as the introduction of the Respondent.
 - b. Review of Meeting Protocols – for example but with limitation, reminding the Respondent that: i) there shall be no electronic recording of the meeting in accordance with paragraph 80; ii) Privacy and confidentiality as well as the limits thereof as outlined in paragraphs 25 to 30; and iii) the Respondent’s responsibility to tell the truth throughout the proceedings as per paragraph 93.
 - c. If a Support Person accompanies the Respondent, all parties will be reminded that the Support Person is an observer to the proceedings and is not entitled to participate in the meeting as per paragraphs 71 to 73.
 - d. Outline of Investigative Process into Complaints.
 - e. Summary of Allegation. The Respondent has the right to see the Complaint including the name of the complainant. If the written Complaint includes names of others as witnesses, that information may be shared only if the witness information is important evidence being used to support the outcome of the investigation. The Respondent will be made aware of all relevant information pertaining to the matter that is available at the time of the meeting.
 - f. The Respondent will be given the opportunity to speak to and respond to the allegations within the Complaint, provide evidence, and identify any relevant witnesses.
114. It is the Respondent’s responsibility to provide all materials and information that will support their position.
115. Judicial Officers may have multiple meetings with the Respondent to enable additional meetings with either the Complainant, witnesses, or when additional witnesses are identified.

Decision and Summary of Outcome

116. Following the investigation and the relevant meetings, the Judicial Officer(s), having satisfied themselves of the validity or non-validity of the Complaint, shall within twenty (20) working days of informing the Respondent of the Complaint itself, inform the Respondent of the outcome of the Complaint; namely, the Judicial officers may:

- a. Dismiss the Complaint;
 - b. Uphold the Complaint; or
 - c. Rule there is insufficient evidence to make a definitive determination. In such circumstances, the Complaint will be suspended for up to six (6) months. Should no new evidence emerge during the suspension period, the Complaint will be dismissed. A decision to dismiss the Complaint due to insufficient evidence does not preclude the matter from being reopened should additional evidence come to light.
117. The Judicial Officers shall, as appropriate, consider all options to resolve the Complaints including informal resolution. Informal resolution may include, but would not be limited to, one or more [Sanctions](#) as listed in this Non-Academic Code, but may also include providing advice, and one or more recommendations of conflict coaching, conciliation, mediation and arranging a meeting between the Respondent and the Complainant.
118. If the Judicial Officers determine that there has been a violation of this Non-Academic Code and uphold the Complaint, the Judicial Officers will impose appropriate Sanctions.
119. In determining an appropriate Sanctions, Judicial Officers will take into account any previous violations of this Non-Academic Code.
120. A Judicial Outcome Letter, with reasons for the decision and any Sanctions, shall be communicated in writing to the Respondent normally as a letter delivered to their Lakehead University email account. (The Respondent may request the letter be delivered as a hard copy.)
121. Associated deadlines for any relevant Sanctions along with the appeals process must also be included in the Judicial Outcome Letter.
122. The Judicial Outcome Letter is confidential and released to the Respondent, with copies sent also to the Director of Risk Management and Access to Information. Other administrative units may be provided with relevant information pertaining to their responsibilities on a need-to-know basis (e.g. Vice-Provost (Students) & Registrar, Financial Services, Office of Security Services, Provost & Vice-President (Academic), etc.).
123. The full written decision as provided to the Respondent will not be shared with the Complainant.

124. A Complainant may be provided with a written summary of the material details of the decision that relate to the Complainant.
125. In the event that correspondence to the Respondent cannot be sent to the Lakehead University email account, correspondence may be sent by priority post to the permanent home address on record in the Student's file, unless the Respondent requests that the correspondence be sent to another address. A Respondent may also make arrangements through the Judicial Officer(s) to pick up a hard copy of any correspondence from University Security Services.

FAILURE TO COMPLY WITH SANCTIONS

126. Failure or refusal to participate in, complete outcomes and/or Sanctions may result in an initiation of a Complaint under this Non-Academic Code to determine Sanctions for non-compliance.

APPEAL PROCESS

127. A decision and/or Sanctions imposed by a [Judicial Officer\(s\)](#) may be appealed in accordance with and subject to restrictions and timelines of the "[Student Code of Conduct – Appeal Policy](#)".
128. Mere dissatisfaction with the [Sanctions](#) imposed does not constitute grounds for an appeal.
129. For full details on the processes and procedures associated with an appeal to the Tribunal, please refer to the document entitled, "[Student Code of Conduct – Appeal Policy](#)".
130. Requesting and filing an appeal does not stay the decision or [Sanctions](#) imposed. A [Sanction](#) becomes in effect when designated by the [Judicial Officer](#).

SECTION VII: INTERIM MEASURES, REMEDIES AND SANCTIONS

INTERIM MEASURES

131. Interim Measures will be imposed when the alleged Non-Academic Misconduct is considered to constitute a danger to persons or property or to be hindering a member of the University from enjoying employment or study rights or pursuing activities within the University. These Interim Measures may be put in place pending the outcome of an investigation, and may be repealed, upheld, or expanded at that point. Interim Measures are in no way to be construed as indicative of guilt. Such a measure must balance the safety of the Complainant with the requirement of fairness to both the Complainant and the Respondent.

132. Interim Measures can include, but may not be limited to, the following:
- a. **Interim Removal from Residence** – If the Interim Measures are to include temporary removal of a Student from residence, the Associate Director of Residence, or their delegate, in consultation with the Judicial Officer(s), will make this decision.
 - b. **Interim No Contact Directive** – A no contact directive may be placed on one or more Students to create a safer environment when one Student’s behaviour towards another Student is alleged to be in violation of this Non-Academic Code.
 - c. **Interim Suspension** – A Judicial Officer may suspend a Student temporarily when allegations of behaviour are serious and could constitute a significant safety threat to other Students or members of the University community.
 - d. **Interim Exclusion** - The interim exclusion may suspend the rights of the Student to access all or part of the University Property. Parameters and timeframe of the exclusion are to be set by the Judicial Officer and should a Student enter the University Property without authorization, police may be called to take action for trespassing.
133. When Interim Measures are imposed, the Student shall be informed in writing of the Complaint, and the reasons for the Interim Measures. The Student shall be provided with the opportunity to keep abreast of course work via alternate delivery mechanisms as available. Participation in any practica or internship will be suspended. Within three (3) working days, the Student will be provided with the opportunity to respond to the allegations being made. Following this, the Judicial Officer(s) will reassess the Interim Measures and either revoke, modify, or continue those measures pending the outcome of the investigation.

Remedies

134. Remedies may be applied by Judicial Officers in addition to Sanctions or may be a process by which appropriate Sanctions are applied.
135. Remedies may include but are not limited to:
- a. Mandatory referral to counselling;
 - b. Training or coaching; and/or
 - c. Restorative justice processes.

Sanctions

136. Sanctions vary depending upon the incident, the severity thereof and whether or not the Respondent has engaged in prior acts of Non-Academic Misconduct. More than one Sanction may be applied as a result of a single incident.
137. Sanctions may include, but are not limited to, one or more of the following:
- a. **Warning:** A notice in writing to the Respondent that their behaviour(s) violate(s) University rules and regulations, including behaviours identified within this Non-Academic Code, and such behaviour must cease. Additional Sanctions will be considered if the specific behaviour(s) continue or if the Respondent is determined to be responsible for additional acts of misconduct.
 - b. **Formal Apology/Mediation:** A written letter of apology or a mediated conversation where the Respondent and the Complainant agree to meet with the intent that there be an acknowledgement of inappropriate action with a goal to an apology and/or a restored relationship.
 - c. **Behavioural Contract:** The Respondent will sign a contract agreeing not to engage in other acts of Non-Academic Misconduct. The Judicial Officer will recommend appropriate repercussions in the event of a breach of the contract.
 - d. **Educational Initiative:** A developmental disciplinary action that requires a Respondent to actively participate in a program consistent with the misconduct. Example: Alcohol Awareness Seminar, etc.
 - e. **Community Service:** Work assignments for service to the University community that could include, but are not limited to: assignments that provide an opportunity to enhance awareness of a topic specifically related to the incident, such as assisting in the repair to any damaged property or assisting in the implementation of an event.
 - f. **No Contact:** Requires the Respondent to have no direct or indirect contact in any manner (including but not limited to in person, phone, email, text, social media, through a third party, etc.) with a specific individual or group of individuals.
 - g. **Loss of Privileges:** Denial of specific privileges for a designated period of time. Example: No entry permitted to The Outpost, etc.

-
- h. **Behavioural Probation:** Includes a written reprimand for Non-Academic Misconduct. Probation is for a specified period of time and is often applied with additional Sanctions. If the Respondent is found to have engaged in subsequent acts of Non-Academic Misconduct during the probationary period, more severe Sanctions may be applied.
 - i. **Behavioural Bond:** A Respondent is required to provide a sum of money up to a maximum of \$500 for a specific period of time (maximum of one year) and sign and abide by a behavioural contract. If at the end of that time, the Respondent has not breached the contract, the money will be returned. If the Respondent does breach the contract, the behavioural bond is forfeited and a more severe Disciplinary Action may be imposed.
 - j. **Restitution:** Compensation for loss or damage. This may take the form of appropriate service or monetary/ material replacement. Individuals found to have damaged, defaced or otherwise negatively impacted University Premises, University Property or Personal Property should expect to have restitution in addition to one or more other Sanctions.
 - k. **Financial Penalty:** A financial penalty levied for a violation of this Non-Academic Code. Financial Penalties shall range from a minimum of \$100 to a maximum of \$500 (per incident).
 - l. **Restorative Justice:** Is a philosophy of justice that is based on specific principles and practices. In the context of this Non-Academic Code, restorative justice is a process for resolving an incident by focusing on redressing the harm caused, holding offenders accountable for their actions and, as often as possible, engaging the community in the resolution of the incident and identified harm.
 - m. **Temporary Suspension:** Pending an investigation of a Non-Academic Misconduct Complaint, a Judicial Officer may authorize a temporary suspension if, in the opinion of the Judicial Officer, the safety of others is endangered, damage to University Property is likely, or the continued presence of the Respondent would be disruptive to the community.
 - n. **Suspension:** Separation of the Respondent from classes, activities of the University or the University itself for a defined period of time, up to a maximum of two (2) years, after which the Respondent may re-apply and be eligible to return. Conditions for readmission will be set forth in the Judicial Outcome Letter and must be met prior to their potential return. Suspension Sanctions may range as follows:

- Suspension from attendance at certain, or at all activities associated with a particular course (e.g. lectures, laboratories, placements, etc.);
- Suspension from attendance at all activities associated with all courses in a Department/School or Faculty;
- Suspension from attendance at all activities associated with all courses in the University; or
- Suspension from attendance at all activities (academic and non-academic), both on and off-campus) associated with the University.

Where a Respondent is suspended from all activities associated with all courses in the University or is suspended from the University itself, the Provost's approval is required and a notation of "Suspension" will be recorded on the Student's official transcript.

It is the Respondent's responsibility to request in writing to the Associate Registrar to have the annotation removed after two (2) years from the end of the academic year in which the suspension was imposed.

A Notice of Trespass may be issued in conjunction with any level of suspension.

- Expulsion:** Permanent termination of Student status in a particular course, all or certain courses in a particular Department/School or Faculty, or from the University.
 - Expulsion from all or certain courses in a Department/School or Faculty requires the approval of the Provost. A notation of "Expulsion from Department/School or Faculty" will be recorded on the Respondent's official transcript. This will remain as a permanent annotation.
 - Expulsion from the University requires first the approval of the Provost and then the approval of the President. A notation of "Expulsion" will be recorded on the Respondent's official transcript. This will remain as a permanent annotation.
 - A Notice of Trespass may be issued in conjunction with any Expulsion.

138. The proceeds from any financial penalties or forfeited bonds will be directed to Student assistance – either as a donation to the LUSU Foodbank or to provide emergency funds through the Student Awards and Financial Aid.

SECTION VIII: BEHAVIOUR(S) RELATED TO A HEALTH CONDITION

139. Upon agreement of the University and the Respondent, an alternative process may be appropriate when there is reason to believe that the behaviour may be related to a health condition. These procedures do not preclude the University from responding to and addressing the Student's behaviour, but rather, outline an alternative approach with distinct procedures to support the Respondent. In cases where it is determined that the behaviour is in violation of this Non-Academic Code and is directly related to a health condition, alternate [Remedies and Sanctions](#) may be utilized as part of the resolution.
140. The Respondent will be given an opportunity to review and respond to a document outlining the concerns raised, including the options available to proceed under this Non-Academic Code.
141. This section applies to the following:
- Behaviour prohibited under this Non-Academic Code;
 - Behaviour prohibited under any other University code of behaviour where the Office of Student Affairs, determines that the Student's behaviour should be considered under this process;
 - Behaviour giving rise to a reasonable apprehension of a risk of harm to the Student himself/herself or others; and/or
 - Behaviour that suggests a Student is unable to function in a university setting, even with accommodations(s), if required, and/or the University's reasonable assistance.

Information Gathering Meeting

142. In non-imminent matters, the Vice-Provost (Students) & Registrar, or delegate, may meet with the Respondent, if a meeting has not already taken place, in order to provide an overview of the inquiry process and to inform the Respondent of the behaviour that has been reported to be a violation of this Non-Academic Code.
143. If a meeting is not feasible, other forms of communication with the Respondent may be utilized to ensure that the Respondent has an opportunity to respond to the allegations, to understand the procedures and to explore the options available to them.

Determination to Enact Procedures for a Student with a Health Condition

144. Based on the information available, the Vice-Provost (Students) & Registrar, or delegate, shall review the information that has been gathered and determine if there are reasonable grounds to believe that the behaviour is likely related to a health condition.
145. The Vice-Provost (Students) & Registrar, or delegate, may, at their sole discretion, consult with appropriate professionals and/or offices (e.g. Student Accessibility Services or Office of Human Rights and Equity) to determine whether to use these alternate processes.
146. Where a University administrator or Judicial Officer who believe this Section VII should be considered shall consult with the Vice-Provost (Students) & Registrar, or delegate.
147. In the event the Vice-Provost (Students) & Registrar, or delegate, determines that it is reasonable to believe that the behaviour is likely related to a health condition, the situation will be considered, if the following conditions are met:
 - a. It is determined that there is no imminent risk posted by the Respondent being on campus, or that the risk has been mitigated with Interim Measures;
 - b. The Respondent is deemed by the Vice-Provost (Students) & Registrar, or delegate, to be fit to adequately participate in these procedures; and
 - c. The Respondent agrees to the matter proceeding under this section of this Non-Academic Code.
148. If the Vice-Provost (Students) & Registrar, or delegate, determines that there are no reasonable grounds to believe that the behaviour is related to a Health Condition, the case will be redirected back to the appropriate process. This determination does not preclude the Respondent from raising their health condition as a consideration in the determination of any subsequent outcome/Sanction.

Response to a Student with a Health Condition as it Pertains to this Non-Academic Code

149. When enacting these procedures, the following will be considered:

- c. Where a Respondent's behaviour is determined to be primarily related to a health condition, the University will make every reasonable effort to enable the Respondent to continue their studies;
- d. For Respondents with a disability (as outlined by the Ontario Human Rights Code), the University shall ensure that the Respondent is appropriately accommodated; and
- e. In determining an appropriate response to a Respondent's behaviour, the Vice-Provost (Students) & Registrar, or delegate, may review any previous, relevant decisions under this Non-Academic Code or any other behavioural Code.

Review Meeting

- 150. If it is determined that it is appropriate to proceed under this section, a review meeting may be scheduled. The Review Meeting will include the Respondent and may include health care professionals or other experts as deemed appropriate. The Respondent may bring a Support Person. If the Respondent does not bring a Support Person, the University may appoint a Support Person if it determines that the Respondent is in need of assistance.
- 151. The purpose of the Review Meeting is to consider all relevant information and determine whether there are reasonable grounds to believe that the behaviour in question is primarily related to a disability under the Human Rights Code and/or whether a health condition may be a mitigating factor related to the situation/behaviour. Consultations with appropriate professionals, supporting documentation and/or additional information provided by the Respondent may further assist in this determination.
- 152. In addition, the review meeting may be used to:
 - f. More fully understand the contributing factors that caused the behaviour;
 - g. Create a plan to support the Respondent with the intent of making every reasonable effort to enable the Respondent to continue their studies; and/or
 - h. Ensure that necessary steps have been taken to appropriately accommodate the Respondent through the process.
- 153. The Respondent does not have to provide supporting medical documentation. However, the Respondent may be requested to submit, in confidence, additional relevant documentation

(e.g. a letter from the Respondent's health provider establishing that the behaviour is related to a health condition). The absence of sufficient supporting documentation may affect the Vice-Provost (Students) & Registrar's, or delegate's, ability to conclude that the behaviour in question is primarily related to a health condition.

154. In responding to the Respondent's behaviour the Vice-Provost (Students) & Registrar, or designate, will consider the following:
- i. The effect of the behaviour on the campus community;
 - j. Any previous and/or concurrent violations of a University Student Code of Conduct;
 - k. The possibility of allowing the Respondent to continue their studies; and
 - l. Any accommodations or supports that could be put in place to assist the Respondent (e.g. a behaviour contract, wellness agreement, a mental health assessment by a regulated health professional, restriction to parts of campus, no-contact agreements, reduced course load, modified privileges, or, a voluntary or involuntary leave on compassionate grounds).

Involuntary or Voluntary Withdrawal

155. Voluntary or Involuntary leave withdrawal occurs when a Respondent agrees or is required to temporarily discontinue studies at the University for either a specified time and/or until imposed conditions are met.
156. Once the withdrawal period has expired and/or the conditions have been met, the Respondent is not required to re-apply for admission unless the Faculty can establish, to the satisfaction of the Vice-Provost (Students) & Registrar, or delegate, that it is reasonable to do so as a result of the lapse of time. The withdrawal will not be noted on the transcript.
157. Students who return after a withdrawal may be required to fulfill other specified academic and non-academic conditions. One such condition may require the Student to provide corroborating evidence that the health condition has sufficiently improved or is being managed.
158. If the Respondent wishes to appeal the finding and/or Sanction they may follow the Appeal procedures as outlined in the [Student Code of Conduct – Appeal Policy](#).

SECTION IX: STUDENT DISCIPLINE RECORDS AND ANNUAL REPORTS

Discipline Notation on Academic Transcript

159. Records of Complaints, charges and Sanctions, other than suspensions and expulsions, will not be recorded on Student academic transcripts.

Records of Complaints, Investigation, and Outcome

160. The Office of Student Affairs and the Office of the Director of Risk Management and Access to Information, shall store records of all decisions, including Complaints, charges and Sanctions (for a period of up to seven (7) years after the Student graduates or ceases to be a Student) related to actions taken under this Non-Academic Code.
161. Reports and statistics compiled on Non-Academic Misconduct, including Sanctions, will not include identification of individual Students.

Annual Reports on Non-Academic Misconduct

162. A report shall be compiled annually for the Provost providing a summary of all Complaints of Non-Academic Misconduct, including the Sanctions.
163. The President shall report to the Senate and to the Board of Governors an annual summary of the number of appeals made to Sanctions under this Non-Academic Code. The report shall include the number of cases where the Disciplinary Action was a) upheld; b) overturned; or c) amended.

Please contact the Office of Student Affairs for additional information and/or if you require this information in another format:

Open: Monday through Friday from 8:30am to 4:30pm;

Location: University Centre, Thunder Bay Campus, Room AT 5031;

Phone: 807-343-8163 or Email: studentconduct@lakeheadu.ca

Appendix

DEFINITIONS

Bullying

Means persistent, offensive, abusive, intimidating or insulting behaviour, abuse of power and/or unfair punitive Sanctions, whether or not malicious or intended, which make the recipients feel upset, threatened, humiliated and/or vulnerable, which determines the recipient's self-confidence and/or reduces the recipient's feelings of self-esteem and self-worth, and which may cause the recipient to suffer stress.

Complainant

Any member of the University community who brings forward a Complaint because they reasonably believe that there has been a violation of the Non-Academic Code and the incident has not been resolved.

Emergency Measures

Measures that are put in place when a Student is determined to pose a risk to self, to others, or the safety and security at the University.

Expulsion

Refers to permanently removing a Student from the University.

Harassment

Is defined by the Ontario Human Rights Code as a course of comments or conduct consisting of words or actions that disparage or humiliate a person in relation to a prohibited ground contained in the Code. Harassment occurs when the person alleged to have committed an infraction knows or ought reasonably to have known that such comments or conduct would be unwelcome. It can include comments or conduct that is intimidating, threatening or abusive and may be accompanied by direct or implied threats to the individual's grade(s), status or job. Harassment can occur between members of the University Community.

Examples of harassment may include, but are not limited to, gestures, remarks, jokes, taunting, innuendo, display of offensive materials, threats, imposition of academic penalties without just cause, electronic distribution of offensive material, hazing, stalking, shunning or exclusion related to the prohibited grounds.

Hazing

Is defined as any act that does or reasonably ought to be known may endanger the mental, physical health, safety and/or dignity of an individual, including a Student, regardless of consent. Hazing is often performed as a condition of membership or during orientation at the University. Hazing includes, but is not limited to:

- i. Any physical brutality such as whipping, beating, striking, paddling, branding, placing a harmful substance on the body, or other similar activity.
- ii. Any physical activity such as sleep deprivation, exposure to the elements, confinement, calisthenics, or other activity that subjects a Student to risk of harm, whether physical or mental.
- iii. Any activity involving consumption of food, liquid, alcohol, drugs or other substances that subject Student to risk of harm or that adversely affect the mental or physical health or safety of a Student.
- iv. Any activity that intimidates or threatens a Student with ostracism, extreme mental stress, shame, humiliation or affects the mental health or dignity of a Student; or may reasonably be expected to cause a Student to leave the organization or institution rather than submit to acts described above.
- v. Coerced sexual activity.
- vi. Any activity in which a person solicits, plans, encourages, directs, aids, or attempts to aid another in hazing or intentionally, knowingly, or recklessly permits hazing to occur and/or knowingly fails to report the incident.

Judicial Officer

A Lakehead University official designated to the role of Judicial Officer or someone authorized by the President or the Provost who will meet with Students alleged to have violated the Non-Academic Code, to hear allegations of misconduct and, if necessary, to impose Sanctions upon any Student who is found to have violated the Non-Academic Code.

Non-Academic Misconduct

Means actions by a Student that are in violation of their responsibilities under the Non-Academic Code and actions that constitute an offense as defined within the Non-Academic Code.

Personal Information

Refers to information about an identifiable individual, including:

- a) Information relating to race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.
- b) Information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved.
- c) Address, telephone number, fingerprints or blood type of the individual.
- d) Correspondence between the University and the Student sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence.

Policies, Protocols, Procedures, and Regulations

Written regulations of the University as found in, but not limited to, the Non-Academic Code, Residence Community Standards, Harassment and Discrimination Policy, Sexual Misconduct Response Policy, and all University and Faculty Regulations within the Graduate and Undergraduate Calendars.

Racism

Racism is a form of discrimination, and in some cases may be subject to a Complaint under the Human Rights Code. It may, in some cases, be a criminal offence and the University will encourage any member of the community who alleges racial offences of a criminal nature to make a Complaint to the police. Racism is also a civil wrong, and the person who alleges racism may be entitled to recover damages or other remedies through the courts. Racism is a University offence, and Lakehead University may discipline a member of the community for racism whether the person affected makes a Complaint or not.

Restorative Justice

This is a philosophy of justice that is based on specific principles and practices. In the context of the Non-Academic Code, restorative justice is a process for resolving an incident by focusing on redressing the harm caused, holding offenders accountable for their actions and, as often as possible, engaging the community in the resolution of the incident and identified “harm”.

Respondent

Refers to the accused named in the complaint; the Student who is alleged to have engaged in misconduct that violates the Non-Academic Code.

Sexual Violence

Sexual violence means any sexual act or act targeting a person's sexuality, gender identify or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation. (Bill 132, Schedule 3, 17(1)).

Student

- A person who is registered as a Student at the University; either full-time or part-time, pursuing undergraduate, graduate as well as those Students on leave, those in professional studies, as well as those in non-degree studies, study-abroad or off-campus studies.
- Individuals who confirm their intent to enroll in programs, those attending orientation sessions, Students between academic terms and those that were enrolled at the date of an alleged incident.
- Persons who withdraw after allegedly violating the Non-Academic Code or who are not officially enrolled for a particular term but who have a continuing relationship with the university are considered "Students."

Student Group

Any group or organization of Students and possibly others that is related in any way to the University, whether or not officially recognized by the University or LUSU.

Support Person

A person of the individual's choice, normally a friend, Elder, and/or another member of the University community, who acts in a supportive role but is not an active participant in the process. The role of support persons (apart from legal counsel at the appeal process) is to provide personal and moral support while accompanying a Student to any meeting. The Support Person does not have the right to speak in the meeting or act as an advocate and may not ask questions of anyone present at the meeting.

Suspension

Refers to a temporary barring (trespassing) from the University for a specified time (e.g. 10 days, one term, one academic year, two academic years)

University

Means Lakehead University. University “premises” means all buildings, services, and lands owned, leased, operated, controlled or supervised by the University.

University Community

Current Students, faculty and staff of Lakehead University and guests to the campus.

University Operations

164. Teaching, research, field and/or community placements, practicums, studying, Student events, administration, disciplinary proceedings, community meetings, public service and other University events or activities, whether or not on University Premises.

University Premises

165. Includes University lands and buildings, whether rented, licensed or owned and any of its facilities and campuses

University Property

166. Includes University equipment, telephones, computers and computer networks, intellectual property, data, electronic and information resources, and other items rented, licensed or owned.

Working Days

Means Monday to Friday, excluding Saturday and Sunday, holidays observed by the University and unforeseen closures due to weather, emergencies or work stoppages.

Review Period: This Non-Academic Code will be reviewed and updated on a regular basis with periodic modifications being made as necessary. A full review with approval by the Board of Governors will occur every five years.

Date for Next Review: 2024

Related Policies and Procedures:

- a. Student Code of Conduct – Academic Integrity (Academic Integrity Code)
- b. Student Code of Conduct – Appeal Policy (Appeal Policy)
- c. Sexual and Gender Based Violence Response Policy
- d. Recreational Cannabis on Premises Policy
- e. Smoking on Premises Policy
- f. Harassment and Discrimination Policy
- g. [Community Standards](#)
- h. Code of Computing Practice
- i. [Library Code of Conduct](#)
- j. Weapons Policy
- k. [Student Athlete Code of Conduct](#)
- l. Orientation and Welcoming Activities Policy

The University Secretariat manages the development of policies through an impartial, fair governance process, and in accordance with the Policy Governance Framework. Please contact the University Secretariat for additional information on University policies and procedures and/or if you require this information in another format.

Open: Monday through Friday from 8:30am to 4:30pm; Location: University Centre, Thunder Bay Campus, Room UC2002;

Phone: 807-346-7929 or Email: univsec@lakeheadu.ca