

## AC 830: Non-Academic Student Code of Conduct

<b>Policy Title:</b>	Non-Academic Student Code of Conduct
<b>Policy Number:</b>	AC 830
<b>Owner:</b>	Vice President Student Affairs
<b>Approved by:</b>	College Executive Team
<b>Effective Date:</b>	September 1, 2021
<b>Reference:</b>	
<b>Links to Other Policy:</b>	Sexual Violence Policy Workplace Harassment & Violence Policy Complaint Policy

St. Lawrence College is committed to making our resources usable by all people, whatever their abilities or disabilities. This document will be made available in alternative format upon request.

Note: This policy is pending Academic Council review and institutional approval.

## BACKGROUND

### Definitions:

**Expulsion** – an order that immediately terminates a student’s contractual relationship with the College resulting in: removal from all programs, courses and activities and assignment of failing grades in all active courses; no fee refunds for current term; removal from Residence with no refunds for current term.

**Interim Measures** - a decision, often involving immediate removal of a community member, that is employed to protect the community while a full investigation can take place.

**Intoxication** - generally defined as when a person, due to drinking alcohol or using substances: is unable to care for themselves; is dangerous to themselves or others; is causing a disturbance; and/or refuses to respond to requests from a college official.

**Long-term suspension** - an order suspending a student from participation in all or specified College activities for a period beyond 5 business days. Typically, except for Residence students, suspension entails a ban from College property. Residence students have specified limited access to College property.

**Loss of privileges** – loss of specified privileges to access or use College facilities and services for a designated period of time.

**No trespass notice** – a notice under the Trespass to Property Act advising a student or former student that they must not trespass on College property.

**Procedural Fairness** - the process that ensures that an individual who is alleged to be in violation of the Code is given fair consideration in the determination of responsibility.

**Prohibition** – an order that prohibits former students who breached the Code from participating in all College programs, courses and activities.

**Restitution order** – an order requiring a student to compensate another College community member, or any other affected party, for loss or damage to property.

**Short-term suspension** – an order suspending a student from participation in all or specified College activities for a period of 1 to 5 business days. Typically, except for Residence students, suspension entails a ban from College property. Residence students have specified limited access to College property.

**Support Person** - an individual that may attend any meetings, including those associated with the investigation, hearing or appeal, in order to provide personal support to an individual. The support person may not speak on behalf of the student, but may offer support and guidance to the student in the presentation of his or her case.

**Suspension** - a sanction that can remove all academic and non-academic rights of a student in either i) Short term (1-5 days); or ii) Long term (more than 5 days)

**Verbal warning**– warning provided by a College official notifying student of violation of Code of Conduct, usually used for minor infractions.

**Vexatious Complaint** -: a complaint which is intended to harm the reputation or success of an individual, which is not based in truth.

**Written warning** – written notice to a student that they have violated the Code of Conduct, typically outlining that further incidents may result in Code sanctions.

**Purpose:**

The College believes all members of the College community have the right to study or work in an environment that is safe, secure and supportive. The College expects students act in a manner that respects the rights, safety and wellbeing of other students, College employees, and College property. The Student Code of Conduct policy defines the general standard of conduct expected of students, provides

examples of conduct that may be subject to disciplinary action by the College and outlines potential disciplinary sanctions that may be imposed as a result of violation of this Code of Conduct. It also provides a framework to resolve issues when this code is violated and informal resolution is not possible.

**Scope:**

Each student, upon enrolment in the College, is governed by the rules and regulations of the College, including the Student Code of Conduct (“the Code”). Students are expected to conduct themselves in a manner consistent with the educational objectives of the College in accordance with generally accepted standards of behavior, and in accordance with published College policies. The Code applies to conduct that: takes place on college property; takes place in the context of online or distance learning; occurs during field placements or other work placements; takes place when students are representing the college during activities off campus; takes place off campus but adversely affects the rights of a member of the College community to use and enjoy the College’s learning and working environment or adversely affects the health and safety of a College community member; and/or occurs during College sanctioned activities which may be related to student committees, clubs, boards, councils and associations.

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, College policy or regulations while on College property or at a College activity is subject to this policy.

Students who wish to make reports regarding sexual violence should refer to College Policy CR306, Sexual Violence Policy.

Any student who has a complaint about their program of study, academic concerns, or regarding College staff, should refer to the Complaint Policy.

## **POLICY STATEMENTS**

### **1. STUDENT RIGHTS**

As with all other individuals in Ontario, students at St. Lawrence College enjoy rights under both the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms, and Accessibility for Ontarians with Disabilities Act. St. Lawrence College is subject to these statutes and supports the students’ right to legitimately and appropriately exercise these rights and freedoms. The extent of a right or freedom may reasonably vary with the circumstances, so that an exercise of a right which

may be appropriate in a public place, may not be appropriate at an educational institution. All students have the right to a safe environment that is free from harassment or reprisals.

To that end, the College supports the following rights of students:

- a) to express themselves individually or as part of a group, except where the exercise of such rights is prohibited under this Code or other College policies, under the Ontario Human Rights Code, or under municipal, provincial, or federal law
- b) to be free from discrimination and harassment on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, gender identification, sexual orientation, age, marital status, family status and disability. Complaints of gender-based harassment may be addressed under the Sexual Violence Policy or under the College policy on Harassment, Discrimination and Bullying
- c) To be treated with respect and dignity by all College employees,
- d) to make reasonable complaints and/or to participate in College proceedings without fear or threat of reprisal
- e) to use as intended, College facilities and equipment
- f) to have a safe and positive learning environment
- g) to be informed of, and be able to respond to, allegations of unacceptable behaviour or any conduct for which sanctions may be imposed, following the principles of procedural fairness.
- h) to appeal, subject to the Code of Conduct , any decision/sanction taken or imposed by the College as a result of a formal process. For all other College appeals refer to the particular policy for procedures.

## 2. STUDENT RESPONSIBILITIES

Students' responsibilities include, but are not necessarily limited to:

- a) to uphold the laws of the land, the Ontario Human Rights Code and College policies. Examples of behaviours that breach the laws, codes and College policies include but are not limited to: vandalism; trespassing, possession or use of a weapon, firearm, explosives, or incendiary devices; possession or consumption of, or dealing in, illegal drugs; smoking of legal substances outside designated areas; theft of College or private property including intellectual property; harassment; disorderly or indecent conduct; sexual harassment; discrimination (including racial discrimination)
- b) to behave in a manner that is consistent with an environment that is free from discrimination, harassment or hate and to refrain from any conduct which infringes on the rights of others

- c) to comply with the directions of any College employee who is acting in the proper performance of his/her duties
- d) to refrain from uttering threats or acting against a person's physical or mental wellbeing that endangers or threatens to endanger the safety, health, life, dignity or freedom of any person. Examples of behaviours that breach this standard include but are not limited to: assault, verbal and non-verbal aggression, physical abuse, intimidation, stalking or hazing.
- e) to refrain from using information and communication technologies, such as email, cell phones, text or instant messaging, social media, AirDrop technology (Bluetooth messaging) and websites to engage in deliberate, repeated and/or hostile behaviour that has a negative impact on another person's dignity, causes harm or makes a person feel unsafe.
- f) to refrain from making statements or actions that are known, or ought reasonably be known to be unwelcome or damaging to another member of the college community, the institution, or its agencies. These statements and actions include those that are written, spoken or electronic.
- g) to refrain from bringing unfounded complaints with malicious, frivolous, or vexatious intent against another member of the College community.
- h) to be honest in all academic and College matters. This includes but is not limited to:
  - i) presenting false identification or misrepresenting oneself; falsifying, fabricating or in any way modifying, either through omission or commission, a document to the College or to a program including submission of an academic credential such as a transcript, diploma, letter of recommendation, a physician's letter/form or any other document used in support of an academic application, record, petition/appeal or endeavour (issues related to academic integrity are dealt with under the Colleges' Academic Integrity Policy).
  - j) to act in accordance with the professional and practice requirements while participating in placements, internships or other experiential activities at a partner agency. Students are expected to be familiar with and uphold agency, program and professional standards and policies (Refer to your individual program manual for further information).
- k) to refrain from engaging in activities that obstructs or disrupts College activities, or impedes the educational objectives of the College. This includes but is not limited to: making or causing excessive noise; setting off false fire alarms; bomb threats; blocking exit routes.
- l) to refrain from activities that may alter or cause damage to property that is not the student's own.
- m) to refrain from entry on College premises, or from engaging in any College activity, while in a state of intoxication, or while under the influence of any

- substance, or while in possession of any substance prohibited by the Controlled Drugs and Substances Act.
- n) to refrain from taking, sharing, posting, publishing or using property that is not the student's own or that the student is not authorized to take or use.
  - o) to refrain from entering or attempting to enter closed College facilities.
  - p) to exit College facilities when asked to do so by College officials
  - q) to participate in an investigation brought about under this policy when requested to do so. This includes but is not limited to attending meetings or hearings regarding alleged breaches to this Code, and to abide by decisions that result from these processes.
  - r) to be informed of any government orders and directives related to communicable diseases within public spaces that apply to the college; and
  - q) to comply with policies, protocols and training that are put in place by the college or public health authorities related to health and safety, particularly those regarding communicable diseases, including but not limited to COVID-19.
- It is the student's responsibility to ensure they are aware of and follow all government laws, orders and directives regarding COVID 19 (or other communicable diseases). The students are responsible for conducting themselves accordingly while on college property and will respect the health and safety of staff, students and guests of the College.
  - The student is aware that the college implements policies and protocols within its buildings and on each of its properties to protect the college community and any guests that may be on campus. These policies and protocols do not absolve the students of their responsibilities to keep themselves informed and adhere to advice from the local Public Health and the government.

### 3. APPLICATION

This Code applies to all students registered at St. Lawrence College in full-time, part-time, and online courses and is used to regulate student conduct and discipline arising in non-academic contexts.

- a) The conduct provisions of the Code apply to:
  - actions on property within the physical boundaries of the College, including College residences.
  - actions in College owned or controlled property, including College vehicles being used for travelling between study locations.
  - actions on the internet directed at college community members.

- use of communication and information technologies, on and off campus, which are directed at college community members.
- actions on student placement sites.
- actions at events off-campus that are readily identifiable with the College or any part of it.
- actions off campus against other college community members.

#### 4. INTERIM MEASURES

Should the Office of the Student Rights and Responsibilities Officer, in conjunction with the Associate Director, Safety and Security and/or the Behavioural Intervention Team, deem student conduct to pose an immediate, ongoing or possible risk to a community member, an official from these areas, acting within the scope of their position, may impose interim measures. Interim measures are taken in an effort to protect the safety and wellbeing of community members, including the respondent, and can include a ban from campus property, removal from on-campus housing, and/or other necessary restrictions prior to the completion of an investigation. Interim measures are preliminary in nature and are generally in effect only until an investigation or hearing has been completed.

The introduction of interim measures does not imply a finding of "responsible".

#### 5. SANCTIONS

The College may impose one or more disciplinary sanctions where a Student has been found to have breached the Code. Penalties imposed for misconduct will be appropriate to the nature and seriousness of the offence and will consider the student's offence history. Sanctions may be issued by the College's Student Rights and Responsibilities Office and/or the Office of the Director – Wellness, Accessibility & Student Success. Sanctions may include:

- a) verbal warning and/or temporary dismissal
- b) written warning (for minor conduct offences)
- c) behavioural contract
- d) conduct probation
- e) educational/professional development sanction
- f) course/placement removal and de-registration
- g) loss of privileges
- h) restitution order
- i) short-term suspension (1 to 5 days)
- j) long-term suspension (>5 days)
- k) investigative suspension order
- l) expulsion
- m) expulsion without ability to return or re-apply



- n) prohibition
- o) no trespass notice

Each of the listed sanctions may have specific conditions tied to them which a student will be required to satisfy. Expulsion from the College requires consultation with the Senior Vice-President, Academic. Disregard for sanctions, or failure to meet conditions of any sanctions, may result in additional sanctions.

## 6. CONFIDENTIALITY

The highest degree of confidentiality possible will be maintained for complaints and investigations under this policy, with regard to the circumstances surrounding the complaint and subject to any legal obligations the College may face related to a complaint.

Parties and witnesses involved in a complaint or investigation are expected to keep any related information discussed confidential. Unwarranted breaches of confidentiality will result in disciplinary action or sanctions.

Any findings, sanctions issued or ongoing case management of incidents will be kept confidential to the Office of the Student Rights and Responsibilities Officer, Director–Wellness, Accessibility & Student Success, except to the extent necessary to implement and/or defend related decisions, or as required by law.

## 7. REPRISAL

The College prohibits reprisal or threat of reprisal against any individuals who exercise their rights under this policy or who participate in any proceedings related to this policy. Individuals who violate these provisions shall be subject to discipline or other corrective action.

## 8. APPEALS

Appeals of sanction decisions may be made within 10 business days to the Vice-President, Student Affairs. Grounds for appeal are limited to:

- a substantial procedural error was committed
- sanctions imposed are patently unreasonable or substantially disproportionate to the circumstances or offence.



## MONITORING

## NEXT POLICY REVISION DATE

September 2023

## SPECIFIC LINKS

## APPENDIX A

### Student Code of Conduct – Procedures

#### P.1 Incident Reporting Structure

P.2 Complaints may be lodged by any member of the St. Lawrence College community about a St. Lawrence College student. Complaints can be filed with any college official, but will be directed to the Student Rights and Responsibilities Officer (SRRO).

P.3 All college community members have a responsibility to utilize informal resolution pathways, when possible, before requesting that a formal investigation proceed.

P.4 Once the SRRO receives the initial complaint, they will initiate a fact-finding meeting with the complainant to discuss the incident or behaviour alleged to have been in breach of the Student Code of Conduct.

P.5 A student complaint against another student will be considered based on all applicable institutional codes, including the Student Code of Conduct.

#### Investigations

P.6 If a determination is made that an investigation is required, the SRRO will initiate the process by determining who are the respondent(s) and witnesses. The SRRO will initiate a meeting with the respondent informing them of the purpose of the meeting, the nature of the complaint and that they have a right to a support person at the meeting. The respondent will be given the opportunity to respond to information presented in the meeting, if new information is provided after the initial meeting, the respondent will have an opportunity to respond to it later in the investigative process.

P.7 If the respondent fails to attend any requested meetings, and/or refuses to participate in an investigation, they will be notified in writing that a decision will be made based on the available information without the respondent's input.

P.8 Proper investigation of a complaint may require the disclosure of the identity of the complainant to the respondent, the witnesses, or third parties. In some cases, if disclosure is denied, an investigation may not be able to proceed.

P.9 Investigations involving potential threats of harm to self, others, or to the broader College community may involve the College's Behavioural Intervention Team and/or Safety and Security.

P.10 Should the SRRO, Safety and Security, or an Academic Administrator deem the student conduct poses an immediate, ongoing or possible risk to the College community, or to the respondent, an interim measure may be imposed. Interim measures may include a ban from College property, removal from College Residence, and/or other necessary restrictions prior to the completion of an investigation. Interim measures are preliminary in nature and are generally in effect only until an investigation has been completed.

P. 11 Investigations may be denied or may be deferred under the following circumstances:

- I. informal resolution pathways are appropriate and have not yet been attempted;
- II. lack of clarity about the nature of the complaint;
- III. concern for the safety, well-being, employment or academic status of the parties involved;
- IV. criminal proceedings; or
- V. if the complaint appears to be unclear, unfounded, vexatious, or made in bad faith.

P.12 The investigation shall normally be completed within 30 business days of having received the complaint.

P. 13 After completing the investigation, the SRRO, in conjunction with the Director – Wellness, Accessibility & Student Success, shall either:

- I. dismiss the complaint
- II. determine that non-academic misconduct occurred, and impose a sanction
- III. attempt to mediate, with the complainant and the respondent (and their advisor/support person) a settlement of the dispute. If a mediated settlement is not reached, the Director – Wellness, Accessibility & Student Success, will choose either (i) or (ii) above.

P. 14 Upon a finding of a breach of the Student Code of Conduct and when imposing a sanction, the SRRO shall take into consideration: the nature and scope of the breach; whether there was intent; the context in which it occurred; the student's first hand account of the situation; whether this was a first breach; and any other relevant factors.

P.15 The College's SRRO and/or the Office of the Director – Wellness, Accessibility & Student Success shall seek opportunities to use a restorative justice approach wherever possible.

P. 16 The SRRO shall inform the respondent of the decision and their right of appeal and the process to be followed. Any appeals must be launched within 10 business days to the Vice-President, Student Affairs.

### **P.17 Multiple Proceedings**

In some instances the actions of a student may intersect or violate more than one College policy. Where multiple policies apply, those responsible for initiating the processes will confer to determine which process should be applied, which takes precedence and whether engaging multiple procedures is warranted.

### **P. 18 Appeal Procedures**

The notice of appeal submission to the Vice-President, Student Affairs must include:

- The reason or grounds for the appeal;
- Any documents in support of the appeal;
- Names of any witnesses the student wishes to have in attendance;
- Identification of the type of resolution sought.

The appeal hearing will be scheduled within ten (10) business days of submission of the appeal documentation. The respondent, Vice President, Student Affairs and the Director – Wellness, Accessibility & Student Success and/or a member of the Student Rights and Responsibilities Office will attend the appeal. The respondent will present their appeal and any supporting documentation. The Director – Wellness, Accessibility & Student Success and/or the member of the Student Rights and Responsibilities Office will present their rationale related to the sanctions imposed, and any supporting documentation, if appropriate.

The Vice-President, Student Affairs, may choose to conduct these meetings together or separately.

The Vice President, Student Affairs will render a final, and binding written decision within five (5) working days of the appeal hearing and provide a copy of the decision to the respondent and the Director, Student Services.