

Procedures for Student Misconduct

INTRODUCTION

Cambrian College's Code of Conduct Policy outlines a unified general code of conduct that promotes the institution's goals of excellence and progress and is binding on all members of the College's community. The College is committed to promoting responsibility to the community by setting a model of socially acceptable behaviour throughout its campuses. Every student, employee, volunteer, and visitor, has the right to a safe and respectful environment. To this end, Cambrian College is dedicated to providing an atmosphere that is conducive to, and consistent with its goals.

This document is complementary to and in no way alters student's rights and responsibilities and Cambrian College's Code of Conduct Policy. To ensure consistent, equitable treatment of all students under the Code of Conduct, the procedural process related to Student Misconduct is outlined in this document, identifying roles and responsibilities of various participants in the College community. The adoption of these procedures is intended to act as a deterrent to student misconduct as well as fairly advise the student of the consequences of his/her actions. The College has the right to enforce compliance with such prescribed standards through appropriate sanctions. At the same time, the student is given certain rights with respect to notice, a right to be heard, and a right of appeal. These rights are not independent rights but are complementary to "The Student Misconduct" document for the purpose of ensuring that all sanctions will be applied as a result of a fair process.

A General Statement: Student Responsibilities and College Rights

Students have a fundamental responsibility to obey the general law of the land while they are within the confines of the College buildings or on College grounds and when they are working in a placement situation or any other situations where the students are under the ultimate supervision of the College. The general law of the land includes the "Criminal Code of Canada" and by-laws of municipalities in which the College conducts classes, placements or other approved College activities. Students are expected to be familiar with and comply with the general law of the land.

The College has the right to make regulations that are supplementary to the general law of the land, and sanctions imposed by the College are in addition to any other sanctions, which may be imposed by the law. Examples would be regulations forbidding the possession of firearms and other weapons on College property, uttering threats, harassment, creating disturbances and disruptions, possession and consumption of alcohol and other drugs on College property, smoking in prohibited areas and failing to maintain a safe, healthy learning environment.

The Student Rights and Responsibilities automatically bind all students upon enrolment and clearly outlines the faculty members' responsibility to maintain a classroom environment that is conducive to learning. Each student, upon admission to the College, contractually agrees to be governed by the rules and regulations of the College, which among other things includes this document. The document may be amended from time to time, and any such amendments shall be binding on all students.

STUDENT MISCONDUCT

Students who behave in a manner which is disrespectful of the learning environment disruptive to the learning process, or which otherwise interferes with the well-being of members of the College community, or causes damage to College property, will be subject to disciplinary action up to and including suspension or expulsion from the College.

Infractions include but are not limited:

- a) Furnishing, with intent, false information to any College staff.
- b) Disruption or obstruction of teaching or learning activities, including those College-directed functions on or off campus.
- c) Physical abuse, verbal abuse, threats, intimidation, harassment, and/or other conduct as a result of which members of the College community feel threatened, intimidated, or endangered.
- d) Theft or damage related to the property of the College or property of a member of the College community.
- e) Any act which endangers the mental or physical health, safety, or the rights of a member of the College community.
- f) Failure to comply with directions of College staff or law enforcements officers acting in the performance of their duties, and/ or failure to identify one's self to these persons when requested to do so.
- g) The carrying or possession of explosives, weapons, or anything considered a weapon on College premises.
- h) The carrying or possession of dangerous chemicals on College premises except where required for academic persons.
- i) Conduct that is disorderly, lewd or indecent.
- j) Breach of peace on College premises or at functions sponsored by the College.

- k) Counselling, prompting, or otherwise aiding to commit infractions.
- l) Forgery of a document, permit or instrument of identification, or tampering with official records. (See Cheating Policy)
- m) Being intoxicated while participating in or attending any learning activity.
- n) Buying, selling, in possession or using any illegal substances while on campus or residence.
- o) Creating a false alarm on College property.
- p) Breaching the College's "No Smoking Policy".
- q) Inappropriate use of computer resources as outlined in the "Computer User Agreement" signed by all students.
- r) Use or display of pornographic material while on any College campus. This includes use of College computers to access pornographic Internet sites.
- s) Repeated violation of college and/or residence rules and regulations.
- t) Bringing a false charge against any member of the College community.
- u) Cyber-bullying in the form of threats, harassment and /or intimidation.
- v) Charged with committing a crime committed while on any college property.

PROCESS FOR REGISTERING A COMPLAINT

The following steps outline the procedures for registering a complaint:

1. The complainant completes a *Student Misconduct – Formal Complaint Form* and submits the completed form to the Security Department. All members of the College community have responsibility for reporting student misbehaviour to the Security Department. Behavior that may result in jeopardizing the good order and proper functioning of the College, or endangers the health, safety, rights or property of members of the College community, or negatively impacts the learning environment and/or campus living environment must be reported immediately. The Security Department will thoroughly investigate the incident and write an incident report.

2. The Security Officer will consult with the Director of Safety, Security and program Dean (when appropriate), and depending upon the nature of the infraction will either impose disciplinary action or may call upon selected members of the College Community to collectively form an ad hoc Disciplinary Advisory Group to determine the appropriate disciplinary action.
3. In all cases where the nature of the incident could result in suspension or expulsion an ad hoc Disciplinary Advisory Committee will review all the pertinent information and render a decision on the discipline to be imposed. The student will be advised of the disciplinary action in the most expedient manner. The decision of the ad hoc Disciplinary Advisory Committee will be confirmed in writing by the Registrar in a letter addressed to the student.
4. A copy of this letter is kept in the Registrar's Office with a second copy being maintained in the Security Department's Office. A copy of the letter will be shared with the appropriate Academic staff members.
5. Due to the confidential nature of the investigation and disciplinary process and the Freedom of Information legislation, the decision will be treated as confidential.
6. The Director of Safety, Security or his/her designate, on behalf of the College, will advise the complainant(s) that the incident has been addressed.

DISCIPLINE

- 1.1 Disciplinary action will reflect the severity of the misconduct and vary accordingly. The severity of discipline for repeat offenders will result in an escalation in sanctions.

Any or all of the following sanctions may be imposed upon a student found to have committed breach of College regulations, policies and infractions:

- a) Admonition and Warning- a notice to the student that he or she is violating or has violated an institutional regulation, expected standards, or behavior, and that future violations will result in a penalty. (Cannot be appealed)
- b) Probation - a written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation during the probationary period.
- c) Behavioural contract - a signed agreement between the student, Security and Administrator responsible for enforcing the conditions of the contract. It specifies conditions that must be met and adhered to by the student, in

return for re-admission to class, placement, or a College-approved activity or facilities. Failure to meet the terms of the contract may result in suspension or expulsion of the student. A behavioural contract may be used in conjunction with probation.

- d) Loss of Privileges - denial of specified privileges, denial of access to some or all College facilities for a designated period of time.
- e) Restitution - compensation for loss, damage or injury. This may take the form of monetary or material replacements.
- f) College Suspension – separation from College for a defined period of time, after which the student is eligible to apply to return. Conditions for re-admission and registration will be specified.
- g) College Expulsion – permanent removal of the student from the College. The student’s official record will read: Involuntary Withdrawal- Student Misconduct.
- h) Fines will be levied when they would be considered as a deterrent from repeating the inappropriate behaviour.
- i) Eviction from residence.
- j) Trespass to property.

1.2 In the event of a suspension, expulsion and/or eviction from residence, no refund of tuition or residence fees will occur. The student must pay all outstanding fees.

1.3 Disciplinary decisions and sanctions shall be made part of the student’s official record for College administrative purposes and maintained in the Security Office.

1.4 In cases of suspension or expulsion, the Registrar will initiate a letter communicating the decision to the student, with copies being sent to the Associate Vice President, Student Services, the Vice President Academic, and the appropriate department Dean. The Registrar will keep a copy of the letter on file as part of the student’s official college records.

1.5 If the complainant or respondent disagrees with the disciplinary decision and/or sanctions, an appeal can be made to the Discipline Appeal Committee.

DISCIPLINE APPEAL PROCESS

The appeal hearing is based on a letter of appeal which, to be grounds for a valid appeal, must provide specific rationale for appealing the decision. The appeal process is in place for those students who feel unfairly treated or unjustly assessed. It is not an opportunity for students to challenge the rules and regulations.

A letter being sent to the Registrar initiates an appeal. The letter must be delivered to the Registrar's Office within ten days of the student being informed of the disciplinary action resulting from the infraction. The request for an appeal shall be in writing and should include a brief description of the case, the decision and sanction(s) imposed by College Security or the Disciplinary Advisory Group, as well as a statement as to what precisely is being appealed and the reason(s) for the appeal.

A properly designed "Rights of Appeal Information Form" may list the following grounds for appeal:

1. New facts that were not available when the decision was made.
2. Specific procedural errors alleged to have been made in arriving at the decision.
3. Alleged incorrect interpretation of published College rules and regulations.
4. Alleged excessive sanctions.

Lodging of an appeal does not affect the decision being appealed (i.e. it is still in force). An appellant will lose an appeal if he/she fails to attend a properly scheduled appeal hearing.

The Disciplinary Appeal Committee will consist of:

- The Associate Vice-President, Student Services (Chair, nonvoting, except in case of tie)
- One representative from the Students' Administration Council or Cambrian Native Students' Association.
- One college professor
- One college administrator
- One college support staff member
- If the complaint is academic in nature, the committee will also include the Vice President, Academic or his/her designate.

If the Associate Vice President of Student Services is unable to chair the Disciplinary Appeal Committee, the committee would be chaired by the Registrar.

DISCIPLINE APPEAL HEARING GUIDELINES:

1. Hearings shall be held within five school days after a request has been received.
2. Notice of the Appeal Hearing shall be given to all parties involved at least 48 hours prior to the hearing.
3. Hearings shall be conducted in-camera.
4. Admission of any person other than committee members and witnesses to the hearing shall be at the discretion of the Discipline Appeal Committee Chair.
5. The student has the right to be assisted by an advisor he/she chooses, at his/her own expense. While the student is responsible for presenting his/her own case, the advisor may make representations on behalf of the student to the Appeal Committee.
6. In hearings involving more than one student, the Chair of the Discipline Appeal Committee, at his/her discretion may permit the hearings concerning each student to be conducted separately.
7. The Disciplinary Appeal Committee, at the discretion of the Chair, may accept pertinent records, exhibits and written statements as evidence for consideration. All such evidence will be presented 48 hours in advance of the hearing and shared with all parties.
8. Witnesses, who may be subject to questions from anyone in the room, can be asked to participate, but must be identified in the letter requesting the Appeal.
9. After the hearing, the Discipline Appeal Committee shall determine, by majority vote, whether the original disciplinary decisions and/or sanctions should be upheld, modified or overturned. In case of a tie, the Chair will cast the tie breaking vote.
10. The decision of the Disciplinary Appeal Committee shall be rendered within five school days and communicated to the student and, if appropriate, the necessary College departments in writing. This decision is **final**.
11. The Chair of the Committee shall be responsible for the preparation of written record of the appeal hearing. The records shall be the property of the College.
12. All information will be treated confidentially to the extent permitted by law and in accordance with the Freedom of Information and Protection of Privacy Act. Records of all appeals will be maintained and secured by the Office of the Registrar.

Student Misconduct – Formal Complaint Form

Date of the Incident: _____

Complainant(s) Name: _____

Address: _____

Telephone Number: _____

Email address: _____

Alleged Violation: (reference to Code of Conduct or Student Misconduct documents): _____

Evidence Summary: _____

Time: _____

Date: _____

Place (please be specific): _____

Alleged Violation Description: (Be detailed, attach supplementary information as necessary) _____

Witness Contact Information (name, address, telephone):

1. _____

2. _____

Signature of the complainant: _____

Date: _____