

## 6.17 – Student Code of Conduct (Non-Academic) - Policy

Approved: January 26, 2021

Carlton Trail College sets forth a Student Code of Conduct (Non-academic) that aligns with its Guiding Principles and ensures a safe learning environment which supports student success and safety and well-being of all community members.

Carlton Trail College students have a responsibility to act in a manner that respects civil and criminal law as well as the rights, safety and well-being of others. The Student Code of Conduct (Non-academic) provides the framework for addressing cases where student fail to act in this manner, and where informal resolution is not possible.

## 6.17 – Student Code of Conduct (Non-Academic) - Procedure

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In this code, a “student” is any person registered in a program or course offered at Carlton Trail College, or any person who was a student at the time the alleged violation occurred.

This Code applies to all non-academic student conduct (academic student conduct is not in the scope of this Code) on or off Carlton Trail College campuses, including by phone, fax or on digital media, that has the potential to adversely affect the Carlton Trail College community or the pursuit of Carlton Trail College objectives. Campus refers to the physical grounds of any of Carlton Trail College’s campuses or program sites. Off-campus settings include but are not limited to work experience related activities (e.g. work placements), co-curricular activities (e.g. field trips), and extra-curricular activities (e.g. events).

In conjunction with the appropriate *Use of Information Technology Policy - Operations: 4.6 & Procedures 4.6.6, 4.6.8 & 4.6.9*, the use of technology, including personal communications and online profiles (e.g. social media), to engage in behaviour intended or with the potential to do harm to a community member or the community in general will be treated as having equal impact and intent as other means of communication and is also within the scope of this Code.

Interim measures may be imposed by those acting within the scope of their position if the student conduct is deemed to pose an immediate, ongoing or possible risk of harm to self or a Carlton Trail College community member. Interim measures can include a temporary ban from campus property, temporary suspension from courses, and/or other restrictions necessary to protect the safety and well-being of community members until an investigation has been completed. Every reasonable effort will be made to notify the student of the steps being considered and obtain input from the student before imposing an interim measure. The student will be notified in writing of any interim measure.

This Code is separate from any criminal or civil proceedings the student may be facing in connection with a case of misconduct. Carlton Trail College may address violations of this Code prior to, concurrently with, or after criminal arrest or civil/criminal proceedings at the discretion of those acting within the scope of their position. The outcome of a criminal or civil proceeding does not determine the outcome of the application of this Code. Carlton Trail College officials may refer any suspected violation of this Code to the police or other outside authorities as they deem necessary.

## Rights & Responsibilities of the Carlton Trail College Community

Carlton Trail College students are responsible for respecting the rights, safety, and well-being of the Carlton Trail College community: for being aware of the policies, codes and laws applicable to conduct; and, seeking any required clarification. A lack of awareness, alcohol or substance abuse will not excuse misconduct.

Carlton Trail College community members are expected to pursue an informal resolution, where possible, before initiating a formal process.

Carlton Trail College community members have the right to make a complaint against a student who violates this Code without fear of reprisal. Community members are expected to report student conduct that may pose a risk of harm to self or others or is a possible violation of this Code.

Students have the right to procedural fairness in the application of this Code. Procedural fairness includes the right to a fair process (i.e. being made aware of the complaint and having the opportunity to be heard), the right to an unbiased decision, and the right to reasons for the decision. The right to an appeal is outlined in the *Student Handbook*. The student also has the right to have a support person present at any stage of the process.

## Violations of Non-Academic Student Conduct

The following is a list of examples of prohibited conduct, escalating from Level 1 to Level 4 based on the severity of the misconduct, potential impact and/or threat. This list is not exhaustive. Carlton Trail College may **categorize and re-categorize misconduct at its discretion**. Any conduct that violates the laws and regulations of Canada, Saskatchewan or the municipalities where Carlton Trail College operates will be considered a violation of this code.

Misconduct Level	Violation
<p><b>Level 1</b></p> <p>Incidents classified as Level 1 have a limited impact on the rights or academic experience of others but may create a disturbance or impact the operation of the campus community.</p> <p>Such incidents include but are not limited to:</p>	<ul style="list-style-type: none"> <li>a) Smoking, including the use of e-cigarettes, in unauthorized areas</li> <li>b) Creating a disturbance in a public place such as unreasonable noise or nonthreatening behaviour</li> </ul>
<p><b>Level 2</b></p> <p>Incidents classified as Level 2 have a significant impact on the rights or academic experience of others but may not pose a threat or danger to other individuals in the community.</p> <p>Such incidents include but are not limited to:</p>	<ul style="list-style-type: none"> <li>a) Disruptive behaviour; defined as inciting someone to prevent or preventing others from carrying out their legitimate activities, in or outside of learning environments</li> <li>b) Disorderly or indecent conduct</li> <li>c) Unauthorized use of Carlton Trail College facilities or equipment</li> <li>d) Use of Carlton Trail College facilities or equipment for reasons other than intended or generally accepted</li> <li>e) Not complying with the directions of or providing false information to a Carlton Trail College official acting in their capacity as an employee</li> <li>f) Failure to comply with a disciplinary action(s) imposed by this Code, other policy or regulation recognized by Carlton Trail College</li> <li>g) Violation of provincial liquor laws on campus, including the possession or consumption of alcoholic beverages in unauthorized areas</li> </ul>

	<ul style="list-style-type: none"> <li>h) Attendance at any training, educational, laboratory, practicum, or work experience while under the influence of drugs, alcohol or similar substances.</li> <li>i) Assisting or failing to reasonably respond/intervene to anyone engaged or committing prohibited conduct</li> </ul>
<p><b>Level 3</b></p> <p>Incidents classified as Level 3 have a significant impact on the rights or academic experiences of others, and in addition pose a threat or danger to individuals in the community.</p> <p>Such incidents include but are not limited to:</p>	<ul style="list-style-type: none"> <li>a) Bullying, coercion, degradation, shunning, gossip for any purpose</li> <li>b) Neglect of safety and health procedures and practices or the creation of safety or health hazards for anyone, including oneself</li> <li>c) Hazing - activities endangering or seeming to endanger the mental or physical health and safety of individuals for the purpose of initiation, admission into or affiliation with any campus club, group, team or organization</li> <li>d) Use, recording of or dissemination of information, including audio or visual images of an individual that is unwelcome and/or known or ought reasonably to be known to cause harm or distress</li> <li>e) Obtaining, accessing or disclosing personal or confidential information pertaining to a member of the community without that person's consent</li> <li>f) Making false allegations, engaging in a reprisal under the Code or otherwise engaging in vexatious conduct</li> <li>g) Repeated or severe disruptive behaviour in or outside of learning environments</li> </ul>
<p><b>Level 4</b></p> <p>Incidents classified as Level 4 pose a danger or threat to individuals, are in many cases illegal, and in most cases have already caused physical or psychological harm.</p> <p>Such incidents include but are not limited to:</p>	<ul style="list-style-type: none"> <li>a) Sexual assault/violence as defined in the Sexual Assault Policy</li> <li>b) Assault, threats of harm or intimidation, inciting or facilitating acts of violence</li> <li>c) Harassment or discrimination against an individual or group based on any of the prohibited grounds: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex, sexual orientation, age, marital status, family status, disability, gender identity, gender expression, or receipt of public assistance</li> <li>d) Displaying or distributing obscene, abusive, illegal, graphic, discriminatory or malicious materials</li> <li>e) Theft or damage to College property</li> <li>f) Tampering with emergency equipment and facilities including life-saving equipment.</li> <li>g) Intentionally creating hazardous conditions that put the community at risk</li> <li>h) Use, possession or distribution of illegal drugs, controlled substances, nonprescription drugs and/or prescription drugs not prescribed to the person in possession of these drugs</li> <li>i) Possession of firearms or other dangerous weapons or replicas or chemicals not expressly authorized by</li> </ul>

	<p>Carlton Trail College or otherwise a part of an academic program</p> <p>j) Misuse of or possession of dangerous objects and substances without express written permission by Carlton Trail College</p> <p>k) Forgery, misuse, duplication or alteration of any document, record or Carlton Trail College brand for the purpose of personal or academic gain within Carlton Trail College</p> <p>l) Misrepresentation associated with institutional processes or activities</p> <p>m) Intentional unauthorized entry</p> <p>n) Failure to comply with a law enforcement officer or to disciplinary action(s) imposed by law related to Carlton Trail College participation</p>
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**The RCMP should be called where a behaviour is deemed to pose a risk to safety or well-being of any person, and the program manager should be contacted immediately thereafter.**

## Process

### Informal Resolution

Carlton Trail College community members are expected to resolve student conduct issues informally where possible. In an informal process, College staff will either meet with the individual to identify the concern, or if necessary, bring participants together, to discuss the complaint, impact of behaviour, and possible resolution(s).

### Formal Resolution

Where informal resolution is not possible or not successful, the formal process can be used. In this case the student will meet with program staff and given a Student Learning Contract. The contract identifies the issue(s) at hand and provides a description of the terms and/or expectations that the student must adhere to resolve the situation. The document should be signed by the student. If subsequent violations occur, it will result in further disciplinary action, up to and including expulsion.

## Filing a Complaint

Anyone in the Carlton Trail College community can register a complaint or allegation about a student by providing a report to the Program Manager for up to 90 days from when the incident occurred. If there is a risk to the safety or wellbeing of any person, contact the program manager or the appropriate authorities (e.g. police) immediately.

The complainant's report should include, if possible, the following:

- Name(s) of the student(s) involved and subject to the complaint;
- Date(s), time(s) and location(s) of the act/incident;
- Detailed description of the witnessed act/incident;
- Name(s) of witnesses (if known);
- Contact information of the individual submitting the complaint

## Responding to a Complaint

For complaints made or referred to the program manager, they will determine whether a complaint is within jurisdiction of the Code and if an investigation is appropriate. For an investigation to proceed, the complainant is encouraged to submit a written statement with specific details of the complaint (Filing a Complaint).

To support the investigation, the identity of the complainant may need to be disclosed to third parties, including witnesses.

The program manager may recommend an informal resolution process rather than an investigation if this is an appropriate pathway that has not been pursued. The program manager may determine an investigation is not

appropriate if the complaint is unclear, unfounded, or appears to be made in bad faith; and, if an immediate response is required to ensure the safety and well-being of any person, because of criminal proceedings, or for other reasons specific to the circumstances. If the program manager determines an investigation is not appropriate, the complaint will be dismissed, and the complainant will be informed in writing.

The program manager may refer to, or work collaboratively with the VP Administration, on a possible on any violation.

### Investigating a Complaint

The investigation is an information-gathering process which includes all involved parties. All reasonable efforts will be made to inform the respondent (the student alleged to have violated the Code) of the allegation and to provide the opportunity for the respondent to give a written and/or verbal response to the investigating officer. If an individual refuse to participate in an investigation, the investigation and outcome(s) will be based on the available information.

Program managers may act as investigating officers for all level of violations, with the VP of Administration being involved as necessary. The investigating officer must not have been involved in any informal resolution efforts.

The program manager, and/or where applicable, the VP Administration may collaborate with and solicit support from program staff representatives for investigations, where appropriate. All parties involved in the complaint may have a support person of their choosing present throughout the proceedings.

### Determining Decision(s)/Outcome(s)

Cases are assessed based on the balance of probabilities - whether information shows it is more likely than not that the alleged events and/or violation occurred.

The case may be resolved by the program manager, who will confirm the outcome and reasons for the decision in writing, and any disciplinary action(s) to the respondent. If a disciplinary action(s) is issued, the student will also be notified of the option to appeal and the appeal process. If the program manager concludes that there has been no misconduct, all parties will be informed in writing and there will be no further proceedings. Throughout the investigative process, all reasonable efforts will be made to minimize disruption to the academic progress of any student who is a party to the complaint.

### Disciplinary Action(s)

For cases where the student is found to be responsible for engaging in prohibited conduct, a number of factors can contribute to the determination of the disciplinary action(s) to be imposed.

- The relative harm or impact on the rights of others
- The severity of the violation, and whether it is cumulative or repeated
- Acceptance of responsibility
- Willingness to restore the relationship or resolve the situation
- Mitigating factors

Disciplinary action(s)	Description
<b>Disciplinary action(s) imposed by the program manager:</b>	
<b>Student Learning Contract</b>	
The following are examples of expectations that may be identified in the student learning contract:	
Developmental, Educational, or Restorative Initiatives	The student learning contract may identify initiatives such as participation in leadership opportunities, awareness, health or safety programs; reflective learning or personal success exercises; projects, seminars, and other assignments as warranted; community service to the institution or to the larger community
Support Agreement	The student chooses to engage, with set parameters, in the support services offered by the institution.

Restitution	Compensation (monetary or material replacement) for loss of or damage to property or services rendered.
Loss of Privileges/non-essential Services	Removal of academic privileges or services that do not preclude academic progress (e.g. removing ability to attend campus other than for scheduled classes, extra-curricular activities, work placements, etc.).
Non-academic Probation	<ul style="list-style-type: none"> <li>• A period of time as identified in the student learning contract where the student is given the opportunity to, for example, modify unacceptable behavior, complete specific assignments, or improve attendance.</li> <li>• The student is subject to further disciplinary action for any further violations.</li> </ul>
<b>In the following situations, the student will be advised in writing:</b>	
Restriction	<ul style="list-style-type: none"> <li>• A ban or formal trespass notice from a specified area of campus or campus as a whole, or a no-contact order between community members, for a designated period of time.</li> </ul>
Required to Discontinue	<ul style="list-style-type: none"> <li>• Students discontinued from the College must wait one full academic year before re-applying to any post-secondary or adult education program at the College.</li> <li>• For all programs, records of the discontinuation will be in held in the students confidential file for a period of 2 years.</li> <li>• If a student is required to discontinue from a brokered program, the credit granting institution will be notified.</li> </ul>
Expulsion	<ul style="list-style-type: none"> <li>• In those cases where an expulsion occurs, if applicable, the credit granting institutions will be notified.</li> <li>• For all programs, records of the expulsion will be in held in the students confidential.</li> </ul>
<b>Any other disciplinary action(s) or penalty deemed appropriate in the circumstances.</b>	

In all cases, the student has the right to appeal the decision. See the Student Handbook for details.