



Policy	3-06
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STUDENT CONDUCT

POLICY

North Island College is a vibrant community of learners that demonstrates mutual respect, safety, dignity, and honesty. North Island College maintains a positive learning environment by addressing allegations of student misconduct in a timely, fair and accountable manner.

PURPOSE

The purpose of this policy is:

- to provide students with North Island College’s expectations of appropriate student conduct and;
- to provide North Island College with the authority and scope for the investigation and/or resolution of conduct issues and the determination of the consequences of student misconduct.

SCOPE/LIMITS

This policy applies to all students enrolled in a College course or program (credit and non-credit), on or off campus (including out of country) and to all community users of North Island College facilities or services (hereafter referred to as students).

This policy does not apply to instances of minor student misconduct that breach department rules and regulations (situations affecting safety or repeated instances of minor misconduct excepted).

This policy also does not apply to situations covered by the following policies:

- Academic Progress Policy #3-01; or
- Student Attendance and Performance in Courses and Programs Policy #3-19; or
- Academic Honesty and Standards Policy #3-26

PRINCIPLES

- North Island College expects students to maintain a high standard of conduct, obey civil law and observe all College policies and procedures.
- North Island College strongly encourages the informal resolution of student misconduct situations through discussion and if necessary, other types of facilitation and mediation.
- North Island College upholds the right of students to be treated fairly in situations of student misconduct.
- North Island College will investigate allegations of student misconduct in an impartial, transparent and timely manner that is carried out in accordance with the principles of natural justice.
- North Island College will initiate disciplinary measures up to and including suspension from NIC for student misconduct.
- North Island College will take necessary and immediate measures to keep safe the College's learning and working environment. This may include involving the police and/or other authorities.

DEFINITIONS

Student misconduct

Student misconduct includes the following behaviours:

1. Behaviour endangering the safety of persons. This includes but is not limited to:
 - a) Assault, physical abuse or threats of violence, disorderly conduct and disturbing the peace;
 - b) Unauthorized possession of weapons and/or bringing weapons on College grounds;
 - c) Discriminatory and/or harassing speech or actions, including the distribution of hate literature;
 - d) Sexual or other harassment (e.g., bullying, stalking);
 - e) Unwanted pursuit of another member of the college community whether such pursuit is physical, verbal, through the mail, or via the use of computers or technology (including social networking, college hosted electronic communication systems, e.g., portal, learning management systems, etc.);
 - f) Possession, use or sale of illegal drugs on campus or at college activities;
 - g) Behaviour causing risks to safety by any intended, or unintended act that potentially endangers any person;
 - h) Threatening or intimidating behavior that refers to injuring any individual (including self);

- i) Behaviour that contravenes the BC Human Rights Act;
 - j) Behaviour that contravenes Worksafe BC regulations;
 - k) Any activity defined by the Criminal Code of Canada.
2. Behaviour that significantly disrupts the teaching and learning process and/or interferes with the educational environment or college operations. This includes but is not limited to:
- a) Violating program regulations and rules of conduct including repeated incidents of minor misconduct that breach department rules and regulations;
 - b) Behaviour that disrupts the teaching/learning process;
 - c) Verbal or physical aggression or intimidation, or threatening behavior that interferes with the learning experience of others;
 - d) Attending any NIC learning activity while under the influence of alcohol, illegal substance, or any other substance that impairs judgment, safety, or performance;
 - e) Unauthorized use of alcohol on NIC property while attending NIC instructional activity on or off campus or at a NIC sanctioned event;
 - f) Misrepresentation, fraud or falsification of information and/or documents and electronic records;
 - g) Vandalism, misuse, unsafe use or unauthorized use or removal of College facilities, resources, property, and services;
 - h) Misuse of College computers including but not limited to, modification of computer set ups, viewing, downloading or distributing materials of a discriminatory or of a harassing nature;
 - i) Unauthorized use of the College name or logo;
 - j) Unlawful entry to any College building or unauthorized area;
 - k) Any activity defined by the Criminal Code of Canada;
 - l) Any other behavior which significantly interferes with NIC's operations, including failing to comply with reasonable directions of NIC employees acting in the performance of their duty.

Discipline

Disciplinary consequences for proven cases of student misconduct may include, but are not limited to the following:

- a) **Written reprimand**
The College will advise students in writing of the exact nature of the misconduct and the consequences of further incidents of student misconduct. The College will place written reprimands on the student's official file.
- b) **Student performance contract**
The College will outline the terms and conditions for continued enrolment at the College in a written performance contract. This may include, but is not limited to, expectations for appropriate student conduct and/or restriction of activity or access

to an area or services.

c) Involuntary leave of absence

The College may invoke an involuntary leave of absence in cases where a student's health impedes or is likely to impede, the teaching/learning environment and the student does not voluntarily choose to leave the College. The Director of Student Services/Registrar, in consultation with the Counselling office and/or department of Access for Students with Disabilities (where appropriate), may invoke an involuntary leave of absence. In such cases, the College will cancel a student's registration for the term and may grant a refund. The Director of Student Services/Registrar may permit students to re-register at the College following a full medical and/or other appropriate health assessment.

d) An order for restitution by the student

Students deliberately causing damage will be required to compensate the College for recovery of costs.

e) Suspension from a College program

Suspension from a College program is the refusal of the College to allow a student to attend the class, course, program, service, or activity in which the student is enrolled and/or is scheduled to participate.

The Dean/Director may suspend a current student for the duration of the program.

f) Suspension from the College

Suspension from the College is the refusal of the College to admit a student to *any* class, course, program, service, activity or college operated location.

The Dean/Director may recommend to the President or his/her designate, that the student be suspended from the College for a certain period of time, indefinitely or permanently.

Students may appeal a Dean/Director's recommendation of suspension to the responsible Vice-President.

If after appeal to the responsible Vice-President, a recommendation of suspension from the College stands, the President may suspend a student from the College. The President has the authority under the College and Institute Act to suspend a student for just cause.

A student may appeal the President's suspension of himself or herself to the College's Board of Governors.

g) Urgent situations

North Island College will take necessary and immediate measures to keep safe the College's learning and working environment. The College is concerned for the safety

of all members of the College community. Where serious concerns about safety exist, the College will immediately remove students from participating in a program of study or from being present on College grounds. Students will not be permitted to return to the College until safety concerns are resolved.

GUIDELINES

- North Island College will apply this policy in a manner that meets the prevailing terms of existing law, other NIC policies, Collective Agreements and regulations.
- North Island College will widely and openly communicate this policy and its related procedures to its students, community users and employees.
- Students should become familiar with College policies which are relevant to their concerns, including, if appropriate, policies on human rights and harassment.
- North Island College will uphold the principles of privacy in accordance with the *BC Freedom of Information and Protection of Privacy Act*.
- North Island College requires that all persons involved in the student conduct process keep the information relating to the process confidential. However, North Island College cannot guarantee anonymity.
- North Island College expects that instances of student conduct will be addressed as soon as possible and initiated within three (3) months of the concern.
- North Island College expects that all participants in a student conduct process will demonstrate respect and professional conduct throughout the process.
- Students are encouraged to seek advice and assistance from a Counsellor in Student Services and/or from their Department Chair in this process.
- North Island College programs will establish written program regulations and rules of conduct that will be outlined to students at the beginning of classes.
- North Island College will notify students of their right to appeal decisions arising from this policy.

PROCEDURES

Student Services will keep procedures outlining the implementation of this policy and the College will post them on the website. They are also included as Appendix A to this policy.

CROSS REFERENCE

College and Institute Act

Human Rights Policy #2-08

Protection of Employees from Violence in the Workplace Policy #2-10

Emergency Response to Inappropriate, Disruptive or Threatening Behaviour Policy #2-11

Student Attendance and Performance in Courses and Programs Policy #2-19

Attendance and Performance in Courses and Programs #3-19

Academic Honesty and Standards #3-26

Student Appeal Policy #3-30

Appendix A PROCEDURES

1. COMMUNICATION

- 1.1. In the first week of class, North Island College instructors will inform students in writing of the program's rules of conduct and the consequences of not observing these rules.
- 1.2. North Island College will make community users of College facilities and services aware of North Island College's rules of conduct.
- 1.3. North Island College will make College policy and procedures on student conduct available on the College's website and in College publications.

2. RESPONSIBILITIES

All NIC employees and students have the responsibility to address incidents of student misconduct. Employees or students who do not feel comfortable or safe addressing situations of student misconduct should seek the assistance of other College employees.

3. STUDENT RIGHTS

- 3.1. Allegations of student misconduct must be submitted within three (3) months of the date of the last alleged incident of student misconduct. If there is evidence that there is reasonable grounds for an extension to the three (3) month limit, Dean/Director may grant an extension.
- 3.2. North Island College will address allegations of student misconduct in a procedurally fair, unbiased and timely manner.
- 3.3. North Island College will advise students of all allegations against them. Students shall have reasonable opportunity to provide comments in support or defense of their own position.
- 3.4. North Island College will advise students of the procedures available to them under College policy.
- 3.5. North Island College will support students during this process. North Island College will provide students with an advocate, usually a Counsellor from Student Services, to assist them with this process. Alternatively, students may bring one person to support them in this process.

4. SITUATIONS OF STUDENT MISCONDUCT

4.1. Addressing Situations of Student Misconduct

- 4.1.1. Situations involving students in a program of study, e.g., classroom, lab or practicum situations

Instructors confronted with student misconduct during instruction may request that the student leave for the balance of the class. If the disruptive student refuses to leave the teaching situation, the instructor may dismiss the class.

The instructor must immediately inform his/her Department Chair about the incident. Either may request assistance from the Department Chair, the program Dean/Director, the Counselling office or other members of the College community, to resolve the problem prior to the next meeting of that class.

- 4.1.2. Situations not related to students in a program of study, or occurring on College grounds

NIC employees witnessing situations of student misconduct should immediately report the situation to an administrator on their campus. The following provides a general guideline for reporting situations of student misconduct.

Campbell River Campus - Assistant Registrar
Comox Valley Campus - Assistant Registrar
Mount Waddington Regional Campus – Associate Director, Regional Campus
Port Alberni Campus - Director, Regional Campus

4.2. Urgent Situations

NIC employees witnessing situations of student misconduct that pose a real risk of injury or harm to person(s) or property should notify security personnel, the police or other appropriate external bodies. Where there is risk of injury or harm to any person or property, the student may be required to leave the campus or teaching/learning situation. After immediately verbally notifying the Dean/Director, employees should immediately submit a written report to him/her.

Policy #2-11, Emergency Response to Inappropriate, Disruptive or Threatening Behaviour also provides guidance for addressing urgent situations.

5. Resolving Student Misconduct Concerns

5.1. Informal resolution

North Island College strongly encourages the informal resolution of student misconduct situations. NIC believes that early discussion with students is the most effective way to resolve situations of student misconduct and to prevent the escalation of concerns. Wherever possible, parties should seek to resolve situations of student misconduct on an informal basis. This process may include the use of facilitation and/or mediation.

5.1.1. Measures to informally resolve situations of student misconduct include:

- Verbal warnings
Instructors and/or college staff should provide students with a verbal warning when situations of student misconduct first appear.
- Face to face meetings with students
If verbal warnings do not achieve a change in conduct or if the conduct warrants it, instructors and/or college staff will have face to face meetings with students to establish program and College expectations for conduct and to remind students of these expectations. This meeting provides students with an opportunity to express their concerns and provides the College with an opportunity to advise students of the supports available to them.
- Written warnings
If student misconduct is sufficiently serious or if verbal warnings have not been effective, instructors and/or college staff should apprise students in writing of the consequences of not meeting the program and College's expectations of student conduct.
- Student performance contract
Instructors and/or college staff may develop a written performance contract to establish expectations of appropriate student behavior and to outline the steps that students should take to achieve these expectations.
- Follow up discussions and monitoring
Instructors and/or college staff should monitor student conduct with the goal of helping the student be successful in the program.

If the parties informally resolve the situation, then there shall be no further proceedings and the matter is closed. The department may retain a written record of the resolution.

If all attempts to informally resolve the issue fail, referral to the Dean/Director should occur immediately.

5.2. Formal resolution

5.2.1. Referral to the Dean/Director

Individuals referring a student conduct issue to a Dean/Director for formal resolution must provide him/her with a written report of the issue and of all attempts to resolve the situation.

The following provides guidance with referral of conduct situations:

Misconduct situations involving students in a program of study:

If the Instructor and Department Chair cannot resolve a situation of student misconduct, then the Department Chair should refer the issue to the Dean/Director for resolution.

Misconduct situations not related to students in program of study, or occurring on College grounds:

If the Assistant Registrar or other college administrator cannot resolve a situation of student misconduct occurring outside of a program of study, or on college ground then he/she should refer the issue to the Director of Student Services/Registrar for resolution.

5.2.2. Upon receipt of the written report, the Dean/Director of the student's program area will consider the alleged act(s). The Dean/Director will determine:

- that the allegations, if true, do not constitute misconduct under the Student Conduct policy and decline to act under the policy; or
- that that the matter should be addressed under another policy or forum and make the appropriate referral; or
- that the matter should be addressed under the Student Conduct policy.

5.2.3. The Dean/Director will notify the report maker and the student of his/her decision within five (5) working days of receiving the written referral and report.

5.2.4. If the Dean/Director determines that that the matter should be addressed under the Student Conduct policy, then he/she will:

- Advise the student and the other parties in writing of the process that will be followed. The process will include an opportunity for the student and other parties to respond to the allegation; and

- Appoint an impartial investigator to conduct a formal fact finding investigation. The investigator shall report back in writing to the Dean/Director.
- 5.2.5. Unless there is a demonstrated risk to safety, students shall be permitted to attend classes during the period of the investigation.
- 5.2.6. Normally, the Investigator shall initiate investigation within five (5) working days of the receipt of the report of the allegation. The Investigator shall submit a copy of his/her written report to Director/Dean.
- 5.2.7. Upon completion of the investigation, the Dean/Director will determine whether the student has committed student misconduct and if so, will determine the appropriate discipline.
- 5.2.8. The Dean/Director will communicate his/her decision regarding discipline to the student in writing within five (5) working days. The Dean/Director will review the results of the investigation with the student. The Dean/Director will describe the allegation of misconduct, the key facts, and any aggravating or mitigating circumstances that led to the imposition of discipline. The student shall have the opportunity to respond.

6. APPEALS

Students may appeal the disciplinary consequences imposed under this policy. Students should reference Policy #3-30 Student Appeal, for information, procedures and the timelines for launching an appeal.

7. REQUESTS TO RETURN TO STUDIES

The College may require students disciplined under Policy #3-06 to enter into a student performance contract before returning to studies at North Island College. The College may require students on an involuntary leave of absence to take a re-admissions assessment to ensure readiness to return to studies.