



COLLEGE OF THE NORTH ATLANTIC

OPERATIONAL PROCEDURE

TOPIC: STUDENT CODE OF CONDUCT

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| Procedure No. | SS-201-PR | Division | Student Services |
| Supersedes | n/a | Board Policy Ref. | n/a |
| Related Policies | SS-201 | Effective Date | October 11, 2023 (R5) |

PROCEDURE

College of the North Atlantic (CNA) recognizes that many concerns can be resolved informally, without resorting to the formal provisions of the Student Code of Conduct (the Code). The principles underlying the Code are educational and meant to inform students of the impact of their personal behaviour. CNA encourages informal resolution of minor incidents by consulting with the parties involved and attempting to mediate a satisfactory resolution. Informal procedures will include consulting with the parties involved and attempting to mediate a satisfactory resolution. The focus will be on restorative justice. The Code also provides for early intervention regarding behaviour that may be of concern, without involving the formal procedures under the Code.

1.0 Definitions

CNA

College of the North Atlantic.

College of the North Atlantic (CNA) Community

A member of the CNA community under the Code which includes, but is not limited to:

- Affiliates: any individual working in collaboration with CNA for a business or academic purpose or an external community member, including all CNA graduates and alumni.
- CNA Board of Governors: individuals forming the governing body of CNA.
- Contractors: any individual or company (and its employees) who provides services to CNA under a service contract (i.e., a non-employee-employer relationship).
- Employees: any individual who is currently employed by CNA or provides services to CNA

under an employment contract. This includes all employees, regardless of status, as well as current employees who are on a leave of absence (i.e., paid/unpaid).

- Students: any individual registered in CNA programs or otherwise participating in CNA courses, programs, events, and activities. This includes prospective students and recently accepted student applicants.
- Visitors: any individual visiting CNA property and/or facilities.
- Volunteers: any individual performing work for CNA in an unpaid capacity.
- All others engaged in activities under the auspices of CNA.

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| Complainant | A person who raises a concern or complaint under the Code. |
| Director of Student Services and Supports | The individual who is responsible for the provision of services and supports to students, including counselling, accessibility services, resource facilitators, and libraries, and fielding concerns raised by students. |
| Head of Campus | A CNA campus/site administrator, including the following positions: <ul style="list-style-type: none"> • Senior Campus Director • Campus Director • Campus Manager • Senior Manager Administrative Services • Manager of Administrative Services • Another member of the campus administration team that may be delegated Head of Campus |
| Manager, Student Relations | A person(s) who is appointed by CNA to act in the role as outlined in the Code. The Manager, Student Relations provides guidance and support to student complainants or respondents, and other CNA community members under the Code. |
| Respondent | A student against whom a complaint is made. |
| Restorative Justice | Emphasizing the role of victims and community members through active involvement in the misconduct process, holding students directly |

accountable to the people and communities harmed by their conduct and providing a range of opportunities for dialogue, negotiation, and problem solving whenever possible.

Sanction(s)

Meant to create awareness of the effects of students personal behaviour where the implementation of restrictions or conditions such as relief or disciplinary action which may take place in response to breaching the Code. These may be applied by a Head of Campus, or another member designated as Head of Campus, or a Senior Administrator or equivalent designate authorized to do so. Sanctions can be applied on a temporary/interim basis or permanently depending on the nature of the breach of the Code as deemed necessary.

Student

Defined in the Code to include:

- Persons enrolled either full-time or part-time in classes, including when on placements that are part of their academic program;
- Persons who are enrolled in a program but not currently registered in classes;
- Persons residing in student residences, who are not employees and who are not otherwise defined as CNA students in this Section;
- Persons who withdraw from CNA after the alleged conduct, will be considered students for the purpose of a proceeding under the Code when they re-enrol; and
- Persons who are considered an applicant or prospective student.

Temporary/Interim Measures

Temporary, non-disciplinary adjustments to the living, learning, and working environments of a CNA community member that may be put in place once a complaint is received to safeguard the environment of a complainant, respondent, or witness.

Temporary/interim measures may include, but are not limited to, a student residence relocation, class schedule changes, academic accommodations, temporary work location reassignment, work scheduling changes, no contact orders, and restrictions on access to campus or parts of campus, etc.

Temporary/interim measures do not represent a finding that there has been a violation of the Code. They may be in place for a specific period of time or until the case is concluded.

2.0 Referrals

In cases where a complainant, or a CNA community member, is unsure of whether or not there has been a breach of the Code, but has a concern about a student (respondent), a referral may be made to the Head of Campus who may then decide to seek advice or refer the respondent to CNA support units which may include Manager, Student Relations, Counseling Services, Student Development Officer, Accessibility Services Coordinator, etc., to develop a strategy or plan, that could include temporary/interim measures, to ensure the continued health and safety of the student and CNA community members.

The Head of Campus or Manager, Student Relations will only involve those persons who are necessary and required to provide aid to the student and will not use this referral to solicit evidence for the purposes of finding an offence under the Code. This approach is a method of early intervention to prevent or limit inappropriate behaviours.

3.0 Offences

The following conduct shall constitute offences under the Code for which a sanction may result:

3.1 Offences against CNA community members, which include:

- Physical violence, or verbal assault and/or harassment or the threat thereof, including taking videos and/or making recordings without consent; [any concerns or complaints that meet the definition of harassment as outlined in the Harassment Policy (PO-005) will normally be dealt with in accordance with the Harassment Policy.];
- Sexual violence or the threat thereof; [any concerns or complaints that meet the definition of sexual violence as outlined in the Sexual Violence Policy (PO-002) will be dealt with in accordance with the Sexual Violence Policy. The Head of Campus will refer a complaint of sexual violence to the Manager, Student Relations.];
- Creating a condition that unnecessarily endangers the health or safety of other persons;
- Uttering threats;

- Bullying, intimidating or harassing another person;
- Any conduct that can be reasonably considered hazing or froshing activities. Students shall not organize or engage in any act that endangers, or could reasonably be seen to endanger the mental or physical health or safety of a student, for the purpose of initiation, admission into, affiliation with, or for continued membership in a group or organization; and
- While a college environment is one where freedom of speech is highly valued, students must adhere to provisions of the *Human Rights Act, 2010* and discrimination is prohibited on the following grounds: race, colour, nationality, ethnic origin, social origin, creed, religion, age, disability, disfigurement, sex, sexual orientation, gender identity, gender expression, marital status, family status, source of income, and political opinion. Comments or action based on an individual's association or relationship whether actual or presumed, with an individual or class of individuals identified above is also prohibited.

3.2 Offences involving property, which include:

- Unauthorized entry or presence on any premises of CNA;
- Taking, destroying, or damaging property that is not their own;
- Defacing any part of CNA property and premises;
- Knowingly possessing stolen property of CNA; and
- Creating a condition that endangers or threatens destruction of the property of CNA or property belonging to CNA community members.

3.3 Offences involving alcohol, which include:

- Underage drinking;
- Being drunk and disorderly;
- Providing alcohol to minors; and
- Illegal selling or distribution of alcohol.

3.4 Offences involving drugs, which include:

- Possessing illegal drugs or drug paraphernalia, whether it be for personal use or intent to traffic;

- Distribution or trafficking in prescription drugs; and
- Marijuana consumption in all CNA facilities and residences.

3.5 Offences involving disruption, which include:

- Counseling, conspiring with, or aiding a person in the commission of an offence defined in the Code;
- Being charged with contravening the provisions of the *Criminal Code* or any federal, provincial or municipal legislation for which an offence is created;
- Refusing to comply with a sanction or sanctions imposed under the provisions of the Code, or interfering with a process under the Code; and
- Acting, threatening or otherwise causing a disturbance that obstructs any activity organized by CNA or by any of its faculties, schools, departments or divisions, clubs, societies or resource centres, or the rights of a CNA community member to carry on their legitimate activities, to speak to or associate with others.

CNA community members enjoy the freedom to pursue their intellectual and personal interests without interference. The objectives are the pursuit of learning through scholarship, teaching, and research within a spirit of free enquiry and expression. CNA recognizes academic freedom (which is the right to teach, learn, study, and publish free of threat of reprisal and discrimination) and the right to free speech, creative expression, and peaceful protest, acknowledging that the common good of society depends upon the search for knowledge and its free expression.

The following are not considered “offences” in accordance with this Section:

- Peaceful assemblies, demonstrations, picketing, or other activity outside a class or meeting that does not substantially interfere with the communication inside, or impede access to the meeting or class; and
- Silent or symbolic protest.

However, noise that obstructs the conduct of a meeting or class, or forcibly blocking access to an activity constitutes “disruption” under the Code.

3.6 Other offences include:

- Unauthorized use of any facility, equipment, or service of CNA;

- Bringing false or malicious charges or complaints against any CNA community member;
- Retaliation against persons for laying a complaint or providing statements under the Code;
- Fraudulent activity;
- Possession and use of weapons other than those permitted in the Weapons Policy (SS-216); and
- Illegal gambling.

4.0 Protocols

4.1 Complaints:

A complaint may be made against any student or group of students who is/are believed to have committed an offence under the Code. The complaint shall be made within twelve (12) months after the alleged offence occurred. Timelines may be extended at the discretion of the Manager, Student Relations, if satisfied that there is reasonable justification for not having the matter brought forward earlier. The complaint shall be in writing and forwarded to the Head of Campus when:

- Complaints are non-academic in nature can be directed to the Head of Campus or the Manager, Student Relations;
- Complaints that are academic in nature can be directed to the Head of Campus following the Student Appeals – Academic Policy (SS-213) and Procedure (SS-213-PR);
- Under certain circumstances, such as situations involving a potential risk of harm to any person, proceedings under the Code may be initiated by the Manager, Student Relations or another designate without a written complaint;
- The Head of Campus or Manager, Student Relations may decide upon reviewing the complaint that the complaint does not address conduct that is covered by the Code. In that case, the Manager, Student Relations will notify the person making the complaint, refer the complainant to the appropriate person and then close the file; and
- The respondent may have representation at any stage in the process.

4.2 Temporary/Interim Measures:

The Head of the Campus or designate may impose temporary/interim measures where the alleged behaviour of a student may be considered to constitute a danger to persons or property or to be hindering a CNA community member from enjoying rights or pursuing activities within CNA.

Where a temporary/interim measure will affect a student's continued stay in a CNA residence, the Head of the Campus, or designate, will consult with the Manager, Student Relations and the Manager or Head of Student Residences before the imposition of such a temporary/interim measure.

These measures will be put in place, if required, pending a finding of a violation of the Code, and may be repealed, upheld, or expanded after a finding has been made. Such measures should balance the safety of all parties with the requirement of fairness to both the complainant and the respondent.

Temporary/interim measures are not determinative of whether or not there has been a breach of the Code. In such circumstances as physical violence and/or threats, the proper authorities (RCMP/RNC) will be contacted if there is a clear violation of the *Criminal Code* and as such a temporary/interim measure will be put in place until a criminal investigation is completed (i.e., removal from campus for the safety of students and staff).

Temporary/interim measures may include, but are not limited to:

- Removal from Residence:

If the temporary/interim measures are to include temporary removal of a student from residence, this will be done only in consultation with the Manager, Student Relations and the Manager of Student Residences, or their designates.

- Temporary limitation of access to all or part of the campus or other CNA facilities:

The Head of Campus or designate can impose a temporary limitation of access to all or part of the campus or other CNA facilities, where in their discretion such a temporary limitation to access is required for the safety of CNA community members.

Provision of Reasons:

Within two (2) business days following the imposition of any temporary/interim measure(s), the student shall be informed in writing of

the reasons for the temporary/interim measure(s). The student shall be given the opportunity to respond to the imposition of the temporary/interim measure(s), in writing, to the Head of Campus. Following the response of the student, the Head of Campus in consultation with the Manager, Student Relations will reassess the temporary/interim measure(s) imposed and revoke, modify, or affirm the measure(s). The Associate Vice President (AVP), Student Services and the Associate Vice President (AVP), Campus Operations will be advised of the decision.

4.3 Informal Resolution:

- 4.3.1 Whenever appropriate, informal resolution options can be used to resolve issues of individual behaviour. In such circumstances, the Head of Campus may delegate to an appropriate professional.
- 4.3.2 Following the selection of an informal resolution option by the complainant, the Head of Campus or designate shall acknowledge the selection of the resolution option in writing to both the complainant and respondent.
- 4.3.3 The Head of Campus, or designate, shall make an official referral in writing to the respective service provider(s) (i.e., Student Services) as appropriate, for the complainant and respondent in relation to the complaint.
- 4.3.4 During the complainant's and respondent's involvement with the respective support service provider, the Head of Campus, or designate, shall request monthly status updates regarding the participation in the program from the provider(s). These updates shall provide information deemed necessary to inform on the progress of the resolution.
- 4.3.5 The Head of Campus shall contact the respondent and the complainant and attempt to resolve the complaint to the satisfaction of the parties concerned.
- 4.3.6 In reaching a mutually agreeable resolution of the complaint, one or more of the sanctions listed in Section 5 of the Code may be imposed.
- 4.3.7 The Head of Campus may also involve other CNA units or offices as agreed to by the CNA community member involved.
- 4.3.8 If it is determined by the respective support service provider(s) that an informal resolution is not possible through the selected information resolution option; the respective support service providers(s) shall

notify the Head of Campus or designate, in writing, who shall advise the complainant of alternate resolution options under the Code.

4.4 Formal Review (Informal resolution unsuccessful):

- If informal resolution is unsuccessful or inappropriate in the circumstances, the Head of Campus or designate shall prepare a report on the nature of the matter which will be submitted to the Director of Student Services and Supports or designate for further review. The complainant and the respondent will be given five (5) business days upon receipt of the report to review and to provide comment.
- The Director of Student Services and Supports or their designate will then review the report, along with any response provided by the complainant and respondent. The review may include an interview of the complainant, respondent, or other persons who may have relevant information.

4.5 Formal Review Decision:

- If the Director of Student Services and Supports or designate decides that the student has not violated the Code, the Director of Student Services and Supports or designate shall provide this written decision to the complainant and the respondent and the file will be closed, and any temporary/interim measure(s) that may have been imposed will then be repealed.
- If the Director of Student Services and Supports or designate decides that the student has violated the Code, the Director of Student Services and Supports, or designate, shall provide this written decision to the complainant and the respondent, and if the Director of Student Services and Supports or designate decides that a sanction is appropriate, then:
 - Any sanction(s) listed in Sections 5.1 to 5.7 may be imposed. The respondent may appeal such a sanction pursuant to Section 6 of the Code; or
 - The Director of Student Services and Supports or designate may recommend a sanction listed in Sections 5.8 and 5.9 to the Head of Campus (i.e., suspension or termination) based on evidence presented. In the case of such recommendation, the matter will proceed to a hearing in accordance with Section 7 below if the respondent appeals the decision.

5.0 Sanctions

Wherever possible, the principles of restorative justice should be used in determining the approach to resolving a particular situation. Sanctions may be used independently or in combination for any single offence. Repeated and/or multiple offences may increase the severity of the sanctions applied.

5.1 Restorative Justice:

The respondent may be required to complete specific activities as deemed appropriate. These may include, but are not limited to, service to CNA or the greater community, participation in educational seminars, written assignments, restitution and/or written or verbal apologies.

5.2 Letter of reprimand:

This sanction is written notice that the respondent has violated the Code and has been formally reprimanded. Repeat offences may result in more severe sanctions.

5.3 Fines:

For offences related to student residence a fine may be imposed in line with those stated in the residence handbook. The fine shall form a charge against the respondent's CNA account.

5.4 Probation:

A respondent may be placed on non-academic probation for a designated period of time from six (6) months up to four (4) years. Any further offences under the Code will be cause for further sanctions, up to and including expulsion.

5.5 Loss of privileges:

A respondent may lose privileges for a designated period of time. This may include, but is not limited to, computer privileges, library facilities, and distance education access.

5.6 Limitation of Access:

A respondent may be limited in their access to all or part of campus or other CNA facilities for a designated period of time. Limitation of access may include the respondent being prohibited from registration in a particular course or program.

5.7 Eviction from Residence:

A respondent may be evicted from residence for a designated or indefinite period of time. Eviction will occur only after consultation with the Campus Director or the Manager of Student Residences as appropriate, or their designate.

5.8 Suspension:

Loss of all academic privileges at, and access to, campuses and other CNA facilities for a specified period of time and/or until imposed conditions are met.

5.9 Termination:

A respondent may be terminated from CNA.

6.0 Appeals

A respondent who has received a sanction listed in Section 5.0, from 5.1 to 5.7, shall have the right to appeal the sanction under this appeal process. The respondent shall have ten (10) business days to provide written grounds why the sanction imposed should be reconsidered.

The respondent is entitled to a meeting with the Manager, Student Relations to put the appeal in writing. If the sanction is eviction from residence, the respondent may be required to leave residence while the appeal is pending. This will be done in consultation with the Head of Campus.

Appeals of sanctions imposed as per Section 5, from 5.1 to 5.7, will be addressed by the AVP, Student Services or designate within ten (10) business days from receipt of a written appeal by the respondent. The decision of the AVP, Student Services or designate will be final and communicated to the respondent in writing.

7.0 Appeals for Suspension/Termination

7.1 A hearing will be held if the respondent appeals the decision of the Director of Student Services and Supports or designate for a sanction in Section 5 which include 5.8 and 5.9 above. A hearing panel will be called, and shall consist of three members, comprised as follows:

- One (1) Head of Campus (not directly involved with the complaint), who is appointed by the Director of Student Services and Supports will act as Chair of the Panel;
- The Director of Student Experience or designate; and

- A member of the College of the North Atlantic Student Union (CNASU) who has been elected by the membership of the CNASU.

Decisions of the hearing panel will be by majority vote.

- 7.2 A hearing may proceed, at the discretion of the Chair, in the absence of the respondent.
- 7.3 The hearing panel shall provide a written decision after the hearing to the respondent within five (5) business days.
- 7.4 If the Hearing Panel decides suspension or expulsion is appropriate, they will advise the CNA Registrar and the AVP, Student Services.

8.0 Records

8.1 Records Retention:

Records and information will be managed and protected in accordance with the Records and Information Management Policy (PA-603).

Disclosure of information shall be in accordance with the Records and Information Management Policy and the *Access to Information and Protection of Privacy Act, 2015*.

In the event that a request for information is received, information will be released in accordance with the *Access to Information and Protection of Privacy Act, 2015* or as otherwise required by law.

Following the conclusion of a complaint and/or resolution process and any associated corrective and/or disciplinary action, divisions/departments shall provide copies of all records created or gathered in relation to the process to the Manager of Privacy and Access for file review, audit, and closure purposes.

8.2 Keeping of Records:

A record must be kept in all cases that have been the subject of an investigation, hearing and appeal, the result of which has been the imposition of a sanction, whether or not the respondent has waived the right to a hearing. All records shall be maintained in accordance with the approved records retention and disposal schedule.

8.3 Composition of Records:

The record of cases shall be comprised of any written reports, including multimedia messaging service (MMS) reports, the notice of hearing

(including the offence), documentary evidence filed at a hearing, and all decisions.

8.4 Storage of Records:

The appropriate Head of the Campus or designate will be responsible to store the records.

8.5 Use of Records:

Records are linked by the student number and where a student has more than one file CNA may use information from some or all of the files in decision making.

9.0 Review

The Code will be reviewed every two (2) years by a committee of not less than five (5) people appointed by the AVP, Student Services. The committee shall include at least two (2) students. The committee may make recommendations to the CNA Executive for amendments to the Code.

| Approval History | |
|-----------------------|-------------------|
| Approved by President | June 20, 1997 |
| Revision 1 | April 2, 2007 |
| Revision 2 | September 3, 2014 |
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