COLLEGE POLICY

Policy No. & Title:	**A-109 Student Code of Conduct**
Policy Sponsor:	Vice President, Operations
Reference Cmtee:	Policy & Procedure Committee
Effective:	2024-09-05
Next Review:	2027-01-29

Purpose

The College is committed to taking all reasonable steps to ensure students can successfully complete their program in a safe and inclusive learning environment that is free from discrimination, harassment, disruptive, and inappropriate behavior. This policy reflects the protection of rights of all people, regardless of race, disability, ethnicity, religion, ability, sexual orientation, gender identification or any other protected ground. The College will uphold the Code of Conduct ("the Code") and respond to instances of non-academic student misconduct which may occur both on and off campus and affect the College workplace, learning, and student-life environment.

Against this background, this policy seeks to establish the expectations and guidelines regarding non-academic conduct expected of students, to provide examples of conduct that may be subject to disciplinary action or restorative measures by the College, to set out the actions that may be imposed, and to describe the disciplinary procedures that the College will follow. The Code seeks to balance student success with the well-being of the College community.

Scope

This policy applies to all College students, delivery partners, affiliates, volunteers, and contractors.

Employees are governed under the triOS & Eastern College Code of Conduct; please refer to our Employee Handbook for more specifics.

The policy applies to student conduct from admission to the College until that person has completed the program or graduated from the College, even though the conduct may occur before classes begin or after classes end.

Off-campus conduct includes conduct at a College-sanctioned event, when the student is acting as a designated representative of the College or a student organization or club, or under the direct or indirect supervision of the College such as a work placement or internship.

The following conduct will be investigated by the College and subject to the disciplinary sanctions of the code:

- Conduct that adversely affects the rights of a member of the College community to use and enjoy the College's learning, living, and working environment and facilities.
- Conduct that could adversely affect the health and safety of a member of the College community,
- Conduct that interferes with the achievement of the College's objectives, mission, or vision.
- Conduct that directly contravenes human rights, diversity and inclusion efforts or any other protected ground enjoyed by those within the College Community

Any student who engages in misconduct directly, indirectly, or as an accomplice is subject to the disciplinary sanctions of the Code, regardless of the action or inaction of civil authorities. Nothing in this Code precludes the College from referring an incident to the appropriate law enforcement agency during or after disciplinary action is taken by the College under this Code.

Definitions

Code of Conduct Officer (CC): The Regional Director of Operations assigned as the College's representative of the Vice President of Operations; Career Colleges, who conducts all activities associated with the Code's procedures.

College Official*:* Includes all administrative staff, faculty, and other persons responsible for directing the activities of students, or the designated representative of any of the foregoing.

Encumbrance*:* A notation on a student's academic record that may result in the withholding of a student's grades or other indicators of academic attainment, which may also include the withholding of transcripts, and denial or termination of registration, until the College is provided with satisfactory evidence that the condition giving rise to the encumbrance has been complied with, satisfied, or no longer applies, or that arrangements satisfactory to the College have been made to comply with or satisfy the condition.

Involuntary Withdrawal*:* An order which immediately and permanently terminates any relationship with the College and terminates all College activities.

Networked Infrastructure: The College's networked infrastructure includes all physical and virtual (cloud-based) instances of, but is not limited to, servers, computers, printers, and other peripherals, networking and communications devices, cables, scanners, photocopiers, telephones, and various software including the Learning Management System (LMS).

Restitution Order*:* An order requiring a student to provide compensation.

Student*:* For the purposes of this policy, an individual who has accepted admission to a course or program at the College and remains active until that person has completed, successfully or unsuccessfully, the course or has graduated from the program. Notwithstanding the foregoing, where a complaint has been made against an individual for behaviour that is alleged to have occurred while the individual was a student, the individual will be deemed to be a student for the purposes of the Code.

Suspension: An order suspending the student from access or participation in all or specified College activities, courses, or programs for a designated number of 1 to 5 business days. Contravention of the suspension may lead to more severe sanctions being imposed.

Termination: An order requiring a student to be removed from one or more courses in which the student is enrolled, and which prohibits participation in any College activities.

POLICY

Principles

- Nothing in this Code should be construed to limit freedom of expression as provided by law, provided such activities are orderly, do not disrupt College operations, and do not unreasonably interfere with the right of other members of the College to use and enjoy the College's learning and working environment and facilities (both on and off-campus).
- The College will identify and respond quickly and effectively to instances of non-academic misconduct.
- When the circumstances giving rise to a complaint are also the subject matter of another College policy (*e.g.,* academic misconduct, dress code, sexual harassment), the College will determine under which policy or code the matter shall first be dealt with.
- The College will allow the pursuit of multiple proceedings against (an) individual(s).
- The College will ensure that during any investigation of misconduct, the individual(s) will be treated fairly and equitably.

Delegation

- The Policy Sponsor (the Vice President of Operations; Career Colleges) must designate an individual member of the College to act as the Code of Conduct Officer (CC) on their behalf.
- The CC shall have extended to them for the purposed of applying the Code the authority of the Vice President of Operations; Career Colleges.
- The Policy Sponsor shall make such an appointment of the CC annually.
- Any such appointment is indefinitely renewable.

Prohibited Conduct

Without limiting the scope of the Code nor a student's responsibilities as a member of the College community, the following list sets out specific examples of prohibited conduct. This list is not intended to be exhaustive:

1) Abuse of Process
   Use of College policy or regulation to harm another person in reputation or standing in the College.
2) Acts of Dishonesty, which include but are not limited to:
   a) Providing false information to any College Official, office, or member of the staff.
   b) Forgery, alteration, or misuse of any College document or record, or any instrument of identification. Note: This provision does not supersede policy A-141 Academic Integrity.
3) Aiding or Abetting
   Aiding or encouraging others in the commission of an act prohibited under this Code, (including all municipal, provincial, or federal statutes), or attempting to commit an act prohibited under this Code.
4) Contravention of College Policies
5) Violation of Published College Policies
6) Contravention of Other Laws
   Contravention of any provision of the Criminal Code or any other local, municipal, provincial, or federal statutes including, without limiting the generality of the foregoing, all by-laws, regulations, and statutes.
7) Disruption
   Disruption or obstruction, by action, threat, written material, or by any means whatsoever, of any College activities, or other authorized activities on or in the facilities of the College; preventing any person from carrying on his or her legitimate activities.
8) Failure to Comply
   a) Failure to comply with directions of a College Official or law enforcement officer acting in the performance of their duties or failure to identify oneself to such persons when requested to do so.
   b) Failure to comply with measures to protect public health and safety (e.g., masking).
   c) Failure to comply with any sanction imposed by the College for misconduct under this Code.
9) Improper Use of Dangerous Objects and Substances
   Possession, display, use, or storage of firearms, other weapons, ammunition, and explosives, or replicas thereof, or of flammable solvents, bio-hazardous, volatile, or poisonous materials except in areas and for purposes expressly designated by authorized College Officials.
10) Jeopardizing College Reputation
    Any other behaviour that has not previously been specified, which jeopardizes the reputation or standing of the College's programs, activities, and services or the interests and objectives of the College.
11) Misconduct Against Persons and Dangerous Activity, which includes, but is not limited to:
    a) Assault, harassment, intimidation, threats, stalking, bullying, and coercion.
    b) Conduct that threatens or endangers the health or safety of any person.
    c) Disorderly or indecent conduct.

d) Creating a condition that endangers the health, safety, or well-being of any person.
e) Coercing, enticing, or inciting a person to commit an act that is humiliating or demeaning to that person or to others.
f) The use of information and communication technologies such as e-mail, cell phone, and text messages, instant messaging, personal websites, social networking sites, and online personal polling websites, to support harassing or hostile behaviour by an individual or group, or that is intended or has the potential to harm others (*e.g.*, cyberbullying).
g) Any unauthorized use of electronic or other devices to make or disseminate an audio or video recording of any person, including digital manipulation, without their prior knowledge, or without their consent when such a recording is likely to cause injury or distress.

12) Misconduct Involving Property, including but not limited to the following:
a) Entry and/or presence on any facilities of the College contrary to College regulations, or without express or implied authority, or contrary to an express instruction or direction from an authorized College official.
b) Misappropriation, damage, unauthorized possession, defacement, and/or destruction of facilities or property of the College or the property of others.
c) Use of College facilities, equipment, or services contrary to express instruction or without proper authority.
d) Misuse of College supplies and documents, including equipment, networked infrastructure, keys, records, transcripts and permits.
e) Use of College-owned, leased, or controlled computing equipment or facilities for purposes other than those for which the facilities have been provided or interference with the operations of such facilities (see also C-210 Network Acceptable Use).
f) Tampering with emergency telephones, fire protection equipment, or emergency facilities (*e.g.,* fire bells, fire extinguishers, fire hoses); disconnecting or blocking fire alarms; setting unauthorized fires or raising a false fire alarm; blocking or wedging open fire and smoke doors on corridors or stairways.
g) Obtaining, accessing, or disclosing all or any part of the confidential personal records pertaining to a member of the College, or disclosing to others the content of such records, without that person's express consent.
h) Using or permitting others to use College property, facilities, or resources to promote, engage in, or further an activity which contravenes any provision of the Criminal Code or any other local, municipal, provincial, or federal statutes.

13) Smoking, Vaping, Alcohol, and Drug Use
a) Smoking or vaping is only permitted in signed, designated areas on any College campus or any off-campus College-sanctioned event, internship, placement, or integrated learning opportunity (*e.g.,* class trip).
b) Illegal use, possession, or distribution of a controlled or restricted substance.
c) Contravention of provincial liquor laws or the policies of the College governing the possession, distribution, or consumption of alcohol on the premises of the College.

d) Entry upon premises of the College or involvement in any College activity in a state of intoxication due to alcohol or drugs or while under the influence of any substance prohibited by the *Controlled Drugs and Substances Act, S.C. 1996, c. 19*.

14) Visitors
Failure to properly monitor the activities of a visitor whom the student invited to a College facility or failure to report misconduct by the visitor.

Sanctions

The College may impose one or more of the following sanctions where a student has been found to have breached the Code. Penalties imposed for misconduct are appropriate to the nature and seriousness of the offence and consider the student's offence history.

15) Verbal Warning.
16) Written Warning advising the student that:
    a) It has been determined that a violation of the Code has occurred, and that the incident has been documented.
    b) The student's conduct (act or omission) constituted a violation in contravention of the Code.
    c) Further incidents may result in more severe Code sanctions.
17) Behavioural Contract between the student and the College
    a) Specifying conditions which must be met by the student before they may return to class, placement, or participate in a College-approved activity.
    b) Failure to meet the terms of the contract may result in suspension, termination, or involuntary withdrawal of the student.
    c) If an agreement cannot be reached between the student and College, or if a student refuses to sign the Behavioural Contract, the College shall impose a sanction of suspension, termination or involuntary withdrawal, depending on the circumstances.
    d) The Behavioural Contract or conditions of the contract may be reviewed after an appropriate period, as specified in the contract, at the request of the student to the Vice President of Operations; Career Colleges.
18) Suspension
    a) Suspension is an order suspending the student from participation in all or specified College activities, courses, or programs for a designated number of 1 to 3 (should this be 5) business days. Unless otherwise specified, the sanctioned student shall NOT be allowed to physically access the College Campus, or any college sponsored event or work placement and any contravention thereof may lead to more severe sanctions being imposed.
    b) Electronic access to College online services may be discontinued during this period as the College or the Vice President, Facilities, Information Systems and Technology or designate determine to be appropriate.

Note: Suspension is not imposed at a time that coincides with final exams or final tests and will not interfere with due dates for final culminating projects. To avoid interference with final exams or tests and final culminating projects, a student continuing their studies and returning to the College may receive their imposed sanction during the subsequent academic modules/blocks. A student graduating and not returning to the College in the subsequent semester will have the **s**uspension imposed during convocation and the student is not permitted to attend graduation but will receive their credentials.

19) Restitution Order
    a) A Restitution Order requires the student to compensate the College, a member of the College Community, or any other affected party for loss or damage to property.
    b) The student's record/file is subject to an encumbrance until the College is provided with satisfactory evidence the student has complied with such an order, or that arrangements satisfactory to the College have been made to comply with the order.
20) Termination
    a) A termination is an order requiring a student to be removed from an individual course or all courses in which the student is enrolled, and which prohibits participation in any College activities.
    b) This penalty will usually result in automatic failing (F) grades in affected courses in which the student is registered, and no fees will be refunded for that semester.
    c) Electronic access to College online services is discontinued.
    d) The student may return to the College after the defined termination period has elapsed (see Policy A-121 Academic Withdrawal).
21) Involuntary Withdrawal
    a) Involuntary withdrawal is an order that immediately terminates the student's contractual relationship with the College.
    b) Permanently expels the student from all College programs, courses, and activities.
    c) Results in automatic failing (F) grades in all future courses in which the student is registered, and no fees will be refunded.
    d) The student may NOT return to the College for any future academic pursuit.
22) No Trespass Order

    In situations where an involuntary withdrawal, termination, or suspension is imposed, the person under this Code who imposed the sanction may also authorize the delivery of a notice under the Trespass to Property Act advising the student or former student that they must not trespass on College property or attend any college sponsored events.

Related Policies
A-145 Academic Appeals
A-141 Academic Integrity
C-210 Network Acceptable Use
P-209 Dress Code & Uniforms
A-130 Copyright
A-121 Academic Withdrawal
P-103 Anti-Violence, Harassment & Discrimination
A-143 Involuntary Withdrawal

Supporting Documents/Forms
Controlled Drugs and Substances Act, *1996*
A-109p Student Code of Conduct - Procedure