



NORTHERN LIGHTS COLLEGE

Student Non-Academic Code of Conduct

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Category:	Administration
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POLICY

Northern Lights College (NLC) students are expected to conduct themselves with integrity, dignity, honesty and respect. NLC does not condone disruptive or dangerous behavior, or other unacceptable conduct that distracts from the provision of instructional activities and services, or which undermines an environment conducive to learning.

PURPOSE

This policy expands on the Educational Policy E-4.05 Student Rights and Responsibilities and defines the general standard of conduct expected of students who use our learning facilities and services. This policy also provides examples of conduct that may be subject to disciplinary action by the College, outlines examples of disciplinary measures that may be imposed and sets out consistent processes for submitting, investigating and responding to allegations of Non-Academic Misconduct. This policy is designed to complement other College policies that set out conduct expectations including but not limited to the Administration Policy A-5.15 Student Discrimination, Bullying and Harassment Prevention and Administration Policy A-5.18 Sexual Violence and Misconduct.

SCOPE

Applies to conduct both on campus and off campus.

a) On campus:

This policy applies to all student conduct occurring on or near the premises of the College including online and via text message.

b) Off campus:

This policy applies to the off-campus conduct of students when:

- i) participating in a program related activity, or college sanctioned event (including fieldtrips, work placements and practicums);
- ii) and/or declaring publicly that they represent the College;
- iii) and/or where there's a connection to the College and a potential for an adverse impact on study.

This policy may also apply in situations where College computer equipment or technology has been used to adversely affect, disrupt, or interfere with another person's learning environment.

This policy will not apply to conduct that:

- a) is considered academic misconduct;
- b) is subject to action for an alleged failure to meet standards of professional conduct as required by a college, faculty, or school (This code does not replace or supersede such standards);

- c) is subject to action under the residence policy unless some non-residence College interests are deemed to be involved, in which case the matter may also proceed under this Code; or
- d) is committed by a student during which time their capacity is as an employee of the College, unless some non-employment College interests are deemed to be involved, in which case the matter may also proceed under this policy.

Nothing in this Code precludes the College from referring an individual matter to the appropriate law enforcement agency before, during or after disciplinary action is taken by the College under this Code. In addition to disciplinary action taken by the College against a student under this code, a student may be subject to criminal or civil prosecution.

Students are expected to be aware of, and to conduct themselves in accordance with, this Code. When conduct may violate more than one policy, the Director, Student Services will notify the Vice President (VP), Academic and Research who will determine which policy will prevail.

This policy will not prevent an individual from pursuing action through alternate resolution procedures including legal action; however there is no entitlement to duplication of process. In particular:

- No action will proceed under this policy if the complaint has already been dealt with through some other process, whether internal or external.
- If a complainant makes a complaint under this policy and also pursues the complaint through some other process, proceedings under this policy may be adjourned or terminated as appropriate pending resolution of the other process.

Prohibited Conduct

The following conduct shall be prohibited under this policy. The following list sets out specific examples of prohibited conduct but is not an exhaustive list. Students should be aware that their actions or behavior may still be prohibited even if it does not appear in the list below. This list is intended to help students understand the type of conduct that is unacceptable and will be subject to discipline.

Students shall not:

1. behave in disruptive ways that obstruct the learning and teaching environment, including making it difficult to proceed with scheduled lectures, seminars, meetings; and with examinations or tests^(UFV);
2. conduct themselves in a way that threatens or endangers the health, safety or property of any person^(UBC);
3. behave in a manner that is considered disrespectful (Examples of such manners are using profanity, name calling, yelling, use of abusive language, or withholding information);
4. engage in discrimination, bullying or harassment that is directed at one or more specific persons, that is based on any of the protected grounds under the BC Human Rights Code and is subject to disciplinary measures under the Administration Policy A-5.15 Student Discrimination, Bullying and Harassment Prevention^(UBC). Complaints specific to this type of conduct must be submitted under the Administration Policy A-5.15 Student Discrimination, Bullying and Harassment Prevention;
5. engage in sexual violence or misconduct that is subject to disciplinary measures under the Administration Policy A-5.18 Sexual Violence and Misconduct. Complaints specific to this type of conduct must be submitted under the Administration Policy A-5.18 Sexual Violence and Misconduct;

6. engage in misconduct against property, which includes taking without authorization, or misusing, destroying, defacing, or damaging College's property or any of its members property^(UBC);
7. possess College property or property that is not their own, if the student knows, or ought to reasonably know, that the property should not have been taken without authorization;^(UBC)
8. use any College facility, equipment, material or service in a manner that places another person at risk^(UFV);
9. access or use any College facility, equipment, network, or service in which they do not have legitimate access, or contrary to the expressed instruction of authorized persons^(UBC);
10. use any College computer equipment, network, or system for a disruptive or unauthorized purpose, or in a manner that violates any law, College policy or procedure; (for more details see the Administrative Policy A-3.09 Information Technology Acceptable Use) ^(UBC);
11. create conditions that endangers or threatens College property or the health and safety of any College member^(UBC);
12. purposefully misplace or deprive others of access to library material and or equipment^(UFV);
13. destroy, misplace, misfile or render inoperable any stored information such as books, film, data files, or programs from a library or other information storage or retrieval system^(UBC);
14. possess, store or use real or replica firearms or other weapons, explosives (including fireworks), ammunition, or toxic or otherwise dangerous materials or items on College premises^(UBC);
15. use, possess, or distribute a controlled or restricted substance or contravene the Criminal Code of Canada, the Narcotics Control Act of Canada, Provincial liquor laws and/or policies of the College governing the possession, distribution and/or consumption of alcoholic beverages;
16. breach any rules, regulations, or policies of the College. When a prohibited conduct or breach occurs and the college policy does not provide any penalty for breaches of the rule, regulation or policy, breaches shall be dealt with under this Code^(UBC).

Students who falsify information or knowingly bring forward a false, frivolous, or malicious charge under this policy will be subject to appropriate disciplinary measures. Students shall not obstruct the application of this policy in any way.

Disciplinary Measures

When imposing penalty or remedy the severity of the offence, the harm caused, the degree to which the conduct was deliberated, and whether or not the incident is isolated or part of a repeated act will be considered. Penalties or remedies may be imposed singly or in combination and include but are not limited to, the following:

- a) Written or Verbal warning or reprimand to the student.
- b) Behavioral contract – a written reprimand designating a probationary period in which a student must follow and fulfill certain conditions, and have good conduct or otherwise be subject to further or more severe disciplinary measures.
- c) Restitution – payment of costs, or compensation for loss, damage, or injury that may be monetary or in the form of appropriate service or material replacement. This may include restitution or rectification.
- d) Issuance of an apology in an appropriate form in public or private.
- e) Loss of privileges for a specified time period, which may affect full participation in campus life but not make it impossible to complete academic requirements.
- f) Restriction or prohibition of access or use – for a specified time period may result in denial or limited use of any part or all of the College's lands, equipment, facilities, services, activities, programs, meetings, or events held by or in association with the College.

- g) NLC Community Services or other activity that are considered appropriate to allow a student to reflect on and learn from their behaviour.
- h) Forfeiture or loss of payments, fees, awards, or refunds.
- i) Removal or exclusion from residence for a specified period of time.
- j) Deregistration of the student from one or more courses for one or more terms (which may require reapplication or admission to a program or course), or termination from any practicum or work placement.
- k) Suspension of a student from the College's programs, premises or both, for a specified period of time after which the student is eligible to return. Conditions for readmission may be imposed. Suspension will normally also result in deregistration.
- l) Expulsion from the College.

Disciplinary measures for non-academic misconduct shall not be ordinarily recorded on a student's transcript. All disciplinary measures will however be recorded on a student's permanent file. All investigative materials reviewed and utilized in making the disciplinary decision will be kept in a secure location with the Director, Student Services.

Interference with the conduct of the investigation or retaliation or threats of retaliation against any person involved in any way in the complaint process may result in disciplinary action by the College.

The College may continue to act on the issue identified in a complaint if it is in the best interests of the College community.

PROCEDURE

All incidents of suspected non-academic misconduct will be reported to the Director, Student Services by emailing studentconduct@nlc.bc.ca and after hours to Campus Security, who will then bring the matter to the attention of the Director, Student Services. The complainant shall indicate which prohibited conduct has been breached in their written report using the Student Non-Academic Code of Conduct Complaint Form A-5.04.01. This form shall be submitted to the Director, Student Services at studentconduct@nlc.bc.ca. The Director, Student Services or his/her designate will investigate by any means deemed necessary and appropriate, and he/she may form an investigative team or appoint an investigator. All complaints will be taken seriously, and will be dealt with fairly and promptly.

Receipt of Complaint:

1. The complainant will receive acknowledgment from the Director, Student Services that the complaint has been received and will inform the complainant whether the complaint will be pursued under this policy, and if not the reasons why.
2. If the complaint is deemed actionable under this policy an investigation will commence within five (5) business days of written receipt of a complaint. The investigation will be approached in an unbiased manner. The Director, Student Services will notify the VP, Academic and Research that an investigation is commencing. If an investigation is under taken the College will share info with those persons involved in the complaint as necessary to ensure principles of natural justice and procedural fairness are met, but will otherwise maintain confidentiality of the investigation throughout the entire investigative process unless otherwise required by law.
3. Interim measures may be taken while the complaint is being investigated or resolved, in order to preserve safety of the respondent, complainant and/or the College community or premises. The investigator will suggest interim measures to the VP, Academic and Research whom will take appropriate action under the circumstances. Should temporary suspension or expulsion be deemed appropriate, the President will be involved in the decision as

outlined in the College and Institutes Act. These measures will be provided in writing from the VP, Academic and Research and will be presented to the respondent by the Director, Student Services or designate. The Registrar may also be involved in placing a student on an academic hold until the VP, Academic and Research decides what disciplinary measures, if any, are to be taken.

4. The investigator will interview the complainant and respondent in question, allowing each the opportunity to outline his/her recollection of the action(s) in question. Witnesses may also be interviewed and the investigation may also examine any other evidence, including documentary or physical evidence relevant to the complaint. All parties are expected to cooperate with any investigation and provide any details of incidences they have experienced or witnessed. If determined at this point that no disciplinary measures are needed or that the policy does not apply, the complaint will not be accepted, no further action will be taken under this process and the case will be dismissed.

Following an investigation conducted by an investigator other than the Director, Student Services the investigator will submit a written report to the Director, Student Services. The investigation reports and any related investigation documents will be retained by the Director, Student Services in a secure location.

Determination of Findings

1. After reviewing the findings of an investigation the investigator will communicate in writing any resolution and/or recommendations made under this process to the VP, Academic and Research including suggested disciplinary measures and steps the respondent could take to correct or resolve the matter.
2. Upon receiving the communication the VP, Academic and Research will make the final decision on the appropriate disciplinary and or remedial measures needed to resolve or address the complaint, if any. Should suspension or expulsion be recommended the President will be consulted and will make the final decision.
3. The VP, Academic and Research will provide a letter outlining the results of any measures taken to the Director, Student Services, other appropriate members of the College's management team, the complainant and the respondent detailing the following:
 - a. The VP, Academic and Research's or the President's decision;
 - b. reasons for the decision;
 - c. a description of the nature and the duration of the disciplinary measures imposed, if any;
 - d. conditions for readmission, if any; and
 - e. details regarding the right to appeal if the respondent disagrees with the decision rendered under this policy.
4. The letter will be sent to the respondent via registered mail and where possible the Director, Student Services will also present the resolution to the respondent in person. The respondent must be advised that if they fail to comply with any aspect of the agreement additional consequences may be enforced.

A copy of the findings will be placed on the respondents file which will be secured in the office of the Director, Student Services. In the event of any further allegations of misconduct, these allegations may be considered when determining how to deal with subsequent alleged misconduct. The Registrar will be responsible for making any necessary notations on a student's transcript, placing an academic hold on a student's academic status for the duration of a suspension and notifying the instructors of courses in which a student is enrolled when the consequence is Require to Withdraw, Suspension or Dismissal. Except letters of discipline or censure, all records related to

the complaint in any way will be held in the strictest confidence in a file separate from a student's file with the Director, Student Services.

If, as a result of the investigative process, the complaint is deemed to be without merit, or frivolous, trivial or vexatious, it will be dismissed summarily and the Complainant will be notified, in writing, of the reason(s) for the dismissal. The Respondent will also be notified of the dismissal.

Appeals

NLC students have the right to a final level of appeal, if they disagree with a decision rendered under this policy that impacts their ability to register in a program or course, to continue attending a course or program in which they are registered, and/or utilize one or more services available to registered NLC learners.

According to the Educational Policy E-2.10 (Student Appeals) an appeal will be heard if:

- The decision was based on inaccurate or incomplete information.
- The decision was made by College representatives before completing all incremental steps outlined in the specific policy under which the original action was taken.

If a student wishes to lodge an Appeal based on one of these two conditions, the student should refer to the Education Policy E-2.10 (Student Appeals) for requirements and deadlines. NOTE: The student must lodge the appeal with the Registrar's Office within five days of notification of the final decision under this policy.

Costs

Northern Lights College will be responsible for the costs of administration of this policy. If it is determined that a complaint is fraudulent, vexatious, or frivolous, the College reserves the right to seek indemnification from the complainant for costs incurred in pursuing the complaint.

DEFINITIONS

- a) Learning Environment:** the physical and virtual spaces where learning and services take place.
- b) The "College" means:** Northern Lights College.
- c) "premises" includes:** lands, buildings, and grounds of the College.
- d) Respondent:** The student against whom a complaint has been brought forward.
- e) Complainant:** The individual who is submitting or bringing forward a Non-Academic Misconduct complaint regarding a student.

STAKEHOLDERS

Students
Support Staff
Faculty
Administration
Education Council

RELATED POLICIES AND REFERENCES

A-5.15: Student Discrimination, Bullying and Harassment Prevention
E-4.05: Student Rights and Responsibilities
A-1.01: Alcohol use on College Property
E-2.10: Student Appeals
A-3.09: Information Technology Acceptable Use
A-5.04.01: Student Non-Academic Code of Conduct Complaint Form

Colleges and Institutes Act RSBC c. 52

With permission language from the University of British Columbia's Policies and Regulations on Student Conduct and Discipline, and Discrimination and Harassment, as well as language from the University of the Fraser Valley's Policy on Student Non-Academic Conduct has been used in the development of this document.

History

Created/Revised/Reviewed	Date	Author	Approved By
Created	August 2015	Lorelee Mathias	Admin Committee
Revised	October 13, 2017	Lorelee Mathias	Policy Committee

Next Scheduled Review Date

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