

STUDENT (NON-ACADEMIC) CONDUCT PROCEDURES

Definitions

Non-Academic Misconduct is defined in the policy document with a non-exhaustive list of examples that may be managed through the non-academic conduct procedures.

Student is a person registered in any course or program offered by the College of New Caledonia. Persons are still considered students for the purpose of this policy if they have informed the College that they are on a scheduled program break and expect to register in (l)3.5 (ed)4.2 (ed)4.5n0.6-0 (r)1.1 (t)1.7\$)1.1 2a

Corrective measures are imposed by the College to address, correct, or mitigate student non-academic misconduct. More than one corrective measure may be imposed at one time. Corrective measures include but are not limited to: coaching, community service, educational project or assignment, letter of apology, letter of reprimand, official warning, loss of college privilege, mediation/conflict resolution, no-contact directive, no-trespass directive, verbal warning, temporary or permanent removal from Campus Housing, behavioral contract, and temporary or permanent Suspension from a course, program, or the College.

- 2.3. The Regional Principal will serve as the DSS designate at a regional campus.
- 2.4. College community members are encouraged to access support from Human Resources, Student Services, Aboriginal Resource Centers, International Education, the CNC Student Union, or other departments as appropriate when submitting or responding to an allegation, or at any stage of the process.
- 2.5. Potential incidents of non-academic misconduct may be reviewed or investigated by the College, even in absence of the submission of an allegation in writing.

3. Interim Measures

- 3.1. The College may impose interim measures before an investigation is concluded where immediate action is required to protect College community members' health, safety, and/or College property. Interim measures will be determined, documented, distributed, and maintained by the DSS or designate on a case-by-case basis.
- 3.2. When the health or safety of an individual is potentially at risk, the College will inform them of relevant interim measures taken to protect their health and safety.
- 3.3. Interim measures will remain in effect until resolution of these procedures is achieved or, at the discretion of the DSS or designate, amended or removed.
- 3.4. Where the incident involves law enforcement or other internal or external investigations, interim measures may remain in effect until all relevant investigations are concluded.
- 3.5. Interim measures may be appealed by letter written directly to the VPSA at any point during which the measures remain in place. The VPSA may choose to uphold, modify, or remove an interim measure. The decision of the VPSA is final.

4. Preliminary Review of Allegation

- 4.1. When an allegation of non-academic misconduct is submitted, the DSS or designate will review the allegation and may decline to proceed with an investigation in cases where they are of the opinion that:
 - 4.1.1. there is insufficient information to proceed with the investigation;

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the DSS receiving the allegation and provided with the rationale for the decision not to investigate. The DSS may decide to proceed with an investigation at a later date if new information changes the circumstances.

- 4.4. Where the DSS or designate decides to proceed with an investigation, they will notify the Complainant and Respondent in writing within five (5) business days of receiving the allegation.

5. Notification of Investigation

- 5.1. Where it is determined that an investigation will be undertaken, within five (5) business days of the allegation, the Respondent will be provided in writing with:
- 5.1.1. a notice of the allegation sufficient to allow the Respondent to understand the nature of the allegation (subject to any redactions made in response to health or safety concerns), including the material details of the allegations being made;
 - 5.1.2. a description of interim measures, when relevant;

7. Corrective Measures

- 7.1. To further assist with the decision of determining if the complaint is substantiated, the DSS may establish a BIT. The BIT will review the Investigator's determination of the case and provide advice to the DSS as to whether the complaint is substantiated.
- 7.2. In cases of confirmed non-academic misconduct, corrective measures may be applied separately or in combination with other corrective measures. To assist in determining appropriate corrective measures, the DSS or designate may establish a BIT. While the DSS or designate may receive recommendations from the BIT, the DSS or designate is responsible for the final decision on corrective measures and is not required to follow recommendations of the BIT.
- 7.3. In determining appropriate corrective measures, consideration may be given to factors including:
 - 7.3.1. student disciplinary history;
 - 7.3.2. the seriousness and impact of the Respondent's conduct on the Complainant or other individuals, College community, a College activity or event, or the College's reputation or property;
 - 7.3.3. whether the incident was isolated;
 - 7.3.4. whether the incident was inadvertent or deliberate;
 - 7.3.5. related financial costs; and
 - 7.3.6. any other mitigating factors.
- 7.4. The DSS or designate may determine corrective measures up to, but not including, Suspension from the College. Only the President may suspend a Student from the College.
- 7.5. Failure to complete or abide by corrective measures is considered to be a further violation of this policy.
- 7.6. The Office of the Registrar may place a hold on a Respondent's registration account if required to ensure compliance with corrective measures.

8. Suspension of a Student

- 8.1. Where, after completing the investigation, the Investigator confirms on a balance of probabilities that non-academic misconduct has occurred and an appropriate corrective measure may include Suspension, the DSS or designate will forward the appropriate information to the VPSA who will in turn, assess the information and issue a recommendation to the President. Final decisions on suspension from the College will be determined only by the President.

9. Notice of Decision and Corrective Measures

- 9.1. The decision, corrective measures, and reasons for decisions will be decided and communicated by the DSS or designate to the Respondent and Complainant within ten (10) business days of the conclusion of the investigation. In cases of suspension, the DSS

and all other material submitted and will determine if there are sufficient grounds to allow the appeal.

- 13.2. If the VPSA determines that the appeal should be allowed, they can uphold the original corrective measures, reverse the original decision, or substitute new corrective measures, up to and including recommending suspension from the College.
- 13.3. The decision of the VPSA or designate will be final and will be communicated to the Student in writing within ten (10) business days of receipt of the Student's appeal.

14. Appeal Procedures - Corrective Measures That Include Suspension from the College

- 14.1. Suspension from the College may be appealed, in writing, using the Student (Non-Academic) Misconduct Appeal Form.
- 14.2. Within ten (10) business days of receiving the Student's appeal, the Board of Governors (Board) will appoint an appeal committee of no fewer than three (3) members of the Board, other than the President, to consider the appeal. The appeal committee will review the written statement of appeal and all other material submitted and determine if there are sufficient grounds to proceed with the appeal.
- 14.3. If grounds for appeal are not met, the appeal committee will notify the Student and the process concludes. If the appeal committee has determined that there are grounds for appeal, the Board Committee will ensure that the student receives the following:
 - 14.3.1. A description of the process followed during the investigation;
 - 14.3.2. A summary of the facts found by the President; and
 - 14.3.3. An explanation from the President as to why the President believes the suspension is appropriate.
- 14.4. In response to the appeal, the Board may, in its discretion:
 - 14.4.1. Deny the appeal summarily on the basis the appeal would not substantially affect the previous decision;
 - 14.4.2. Request further written submissions;
 - 14.4.3. Render a decision based on the written submissions alone;
 - 14.4.4. Conduct a hearing to obtain submissions from all parties involved; or
 - 14.4.5. Undertake any other steps the Board considers are appropriate to uphold the principles of fairness and due process.
- 14.5. The Board committee's decision will be on the basis of a majority vote of the members of the appeal committee and the Board committee will normally provide written reasons for its decision within sixty (30) days of the commencement of the appeal. The Board may uphold the suspension, reverse the decision, or substitute new corrective measures.
- 14.6. The decision of the Board will be final.

15. Other Proceedings

- 15.1. The commencement of other proceedings, such as criminal proceedings, civil proceedings, collective agreement grievances and arbitrations, and human rights

complaint, in respect of allegations that form the basis of a Complaint under this policy, unless by operation of law, will not bar the College from taking steps to investigate the Complaint and make its own determination.

Procedure Amendment Log

Amendment Number:	Date:
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Table 1. Non-Academic Misconduct Procedure Summary

Table 1 summarizes the steps followed when there is an allegation of non-academic misconduct received by the College. A full description of each step follows the table.

Formal Complaint and Resolution	Timeline*	Who?
1. Informal resolution		Complainant and Respondent
2. Submission of allegation		Complainant
3. Interim measures		Director, Student Services**
4. Preliminary review of allegation	5 days	