

## STUDENT CODE OF CONDUCT PROCEDURE (REPORTING, INVESTIGATIONS AND OUTCOMES)

This procedure is governed by its parent policy. Questions regarding this procedure are to be directed to the identified Procedure Administrator.

<b>Category:</b>	D: Student/Academic
<b>Parent Policy:</b>	D25
<b>Approval Date:</b>	March 16, 2023
<b>Effective Date:</b>	March 16, 2023
<b>Procedure Owner:</b>	Registrar; Vice President, Student Experience

<b>Overview:</b>	<p>This procedure applies to the reporting, investigations and outcomes relating to non-academic misconduct of Olds College students regardless of location or modality, which is determined to have a real and substantial link to the College.</p> <p>Members of the College community must know, understand, and comply with College policies, procedures, and associated materials that relate to their position, employment, enrolment or other relationship with the College.</p> <p>Maintaining the standards of the Student Code of Conduct (hereinafter called the “Code”) is the responsibility of the College community. Non-compliance may create risk for the College and will be addressed accordingly through applicable College policies, procedures and contracts.</p>
<b>Procedures:</b>	<p>Any individual or College representative (hereinafter called the Reporter), who has identified a violation, reasonably and in good faith, of the Code should attempt to put a stop to the violation by informing the individual responsible (hereinafter called the Respondent) that the Respondent’s behaviour is unwelcome or inappropriate and requesting that it end.</p> <p>Individuals may be accountable to both external authorities and the College for acts that constitute violations of the Code. Assessment of Code violations and related consequences can occur irrespective of any administrative, civil or criminal proceedings arising out of the same or related events.</p> <p>When considering reporting and investigating violations of the Code, Olds College understands that an affected individual(s) may wish to control whether or how their experience will be dealt with by the police and/or the College. Normally they</p>

will retain this control; however, the College reserves the right to initiate an internal investigation and/or inform the police of the need for a criminal investigation, even without consent, if the College believes that the safety of the college community is a risk.

### **Student Conduct Team**

The Student Conduct Team is the group of College employees responsible for overseeing the College's response to violations of non-academic misconduct related to the Code.

This team includes:

- Registrar (Student Conduct Team Lead)
- Manager, responsible for Health & Wellness Centre (Alternate Lead)
- Manager, responsible for Residence Services (Alternate Lead)
- Manager, responsible for Campus Security
- Associate Deans (Informal Response Primarily)

When referring to the Student Conduct Team Lead within this procedure, it is meant either the Team Lead or Alternate Lead as may be the case.

### **Reporting and Responding**

Deciding whether or not to disclose or report a violation of the Code is entirely up to the student. Students are strongly encouraged to report; however, students are not required to report in order to obtain College support and services.

- Students are encouraged to report violations of the code as soon as possible (within 10 days is preferred). However, there is no required timeframe for reporting.
- Reporting to Olds College does not prohibit or constitute reporting to other authorities (e.g., law enforcement).
- Individuals have the following reporting options:
  - Reporting to Olds College (Formal or Informal)
  - Reporting to Police
  - Reporting to other External Bodies (e.g., Alberta Human Rights Act or initiating civil legal action)
  - Simultaneous Reporting – internal and external reporting options simultaneously.

Reporting and responding to violations to the Code may be informal or formal. Informal responses can be handled by members of the college community while formal responses are handled by the Student Conduct Team.

### **Informal Response**

An informal response may be appropriate when misconduct:

- is minor;
- is not a risk to safety;
- has not persisted following previous informal responses; and
- does not give rise to other concerning conduct.

Members of the College community may contact a member of the Student Conduct Team to consult and receive support on informal responses to address conflict or concerning behaviours under the Policy. Outcomes of an informal response may include but are not limited to:

- Strategies for reporters to address respondents directly;
- Strategies for employees to support students in addressing conflict or concerning behaviours that occur between students;
- A verbal warning or request that the conduct stop may be used as an informal or immediate response;
- As part of an informal response, employees are encouraged to identify and discuss supports with the students involved as a way of being proactive in preventing future breaches of policies and procedures.
- In instances where a student's conduct poses an imminent risk to safety or impedes another student's fitness to learn/participate, the immediate response by an employee may include dismissing a student from a class or from a facility for a period of up to one working day. In such instances, a formal report to the Student Conduct Team is required and further interim measures and sanctions may be imposed.
- Taking and maintaining an informal written record of isolated incidents is recommended to demonstrate an observable pattern of conduct when making a request for a formal response.

#### **Formal Response**

Members of the College community can request a formal response by the College by submitting a formal report to a member of the Student Conduct Team. A formal report should include, where possible,

- The nature and particulars of the allegation, including the name of the respondent, if known;
- The name of the reporter and contact information, unless the reporter wishes to remain anonymous;
- Names of potential witnesses; and
- Relevant evidence and supporting documentation.
- A formal response is appropriate when the alleged misconduct
  - is significant;
  - poses a risk to safety;
  - persists following previous informal responses;
  - gives rise to other concerning conduct.

#### **Investigation And Decision Making**

The following processes are the protocol for responding to a report, which has been identified reasonably and in good faith, of the Code.

The response, resulting from the submission of a formal report, shall be followed up expeditiously in accordance with the outlined procedures.

Upon receipt of a Formal Report a Student Conduct Team Member will:

- Evaluate the formal report to determine if the allegation should be addressed as an informal response or if a formal response is required
- Notify the Student Conduct Team Lead

The Student Conduct Team Lead will:

- Review the formal report
- Designate an alternate if necessary
- Implement Interim measures if necessary
- Appoint an investigator if necessary
- Appoint a coordinator for administrative details and student care
- Review the Investigator's Report and related information
- Determine whether or not on the balance of probabilities, if the formal report will be accepted or dismissed
- Determine appropriate disciplinary outcomes

While the Student Conduct Team Lead or designated alternate is the decision-maker, they may at their discretion, consult with other members of the team relating to decision-making and determination of sanctions as necessary.

### **Investigations**

The Student Conduct Team Lead will ensure that the investigation is conducted thoroughly, fairly, and without bias. The Team Lead may appoint an investigation officer or conduct the investigation.

- Nothing in the Code precludes the College from investigating misconduct and taking disciplinary actions without an Allegation.
- Upon receiving an Allegation, the Investigator shall initiate and complete an investigation into the Allegation within thirty (30) working days unless a longer period is appropriate in the circumstances and the Team Lead extends the time. The Reporter and the Respondent will be advised of any extension.
- The investigation of the Allegation may include but is not limited to:
  - A review of all necessary records and information associated with the alleged violation. The Investigator shall have the rights to require the production of such records from anywhere and anyone in the College;
  - Interviewing of the Reporter, Respondent and witnesses, up to and including every Individual identified in the Allegation as having broken the Code.
- All evidence, including the identities of the Reporter, all witnesses, and the Respondent, must be kept confidential by all parties in any way associated with the investigation of the Allegation, except to the extent necessary to allow the Investigator to conduct the investigation thoroughly and fairly and the Respondent fully to defend himself or herself against the Allegation.
- Upon reviewing records and conducting interviews, the Investigator will compile an Investigator's Report.

### **Findings and Outcomes**

Insufficient Evidence - If a breach of the Policy or Procedure is not established on a balance of probabilities, the formal report will be dismissed, the respondent will not be subject to warnings or sanctions, and any interim measures will be

immediately terminated. Reasonable accommodations for respondents, reporters, and other persons may be considered by the College upon request.

Sufficient Evidence - If a breach of the Code is established on a balance of probabilities, the Student Conduct Team Lead, with consideration to all relevant circumstances, including any investigator's report, and considering

- the safety of the College community;
- any identified support needs of reporters and respondents;
- restorative justice principles, where appropriate; interim measures which have been applied to the student prior to responses;
- the severity of the breach;
- aggravating or mitigating circumstances; and
- the respondent's acknowledgement and commitments with respect to the breach,

shall impose one or more of the following:

a) Warning – A written warning or to the student.

b) Conduct Probation – A written reprimand and order for a designated probationary period in which a student must fulfill certain conditions and have good conduct or otherwise be subject to the imposition of further sanctions or alternative resolution as listed within these procedures.

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.

d) Apology - Issuance of a statement, apology, or retraction in an appropriate form in public or in private.

e) Loss of privileges – A denial of specified privileges for a specified period of time. Privileges are those that if restricted may affect full participation in campus life but not make it impossible to complete academic requirements.

f) Restriction or prohibition of access or use – A denial for a specified period of time, or conditions imposed on, a student's right to access or use of any part or all of the College's lands, equipment, facilities, services, activities, programs, meetings, or events or those held by, on, or in association with the College.

g) Fines – Levying of a fine. Fines will not normally exceed \$1,000.

h) Loss of fees – Forfeiture or loss of payments, fees, or refunds.

i) Relocation or exclusion from residence – Relocation from a residence or exclusion of the student from residence for any specified period of time.

j) Deregistration or termination – Removal of the student from one or more courses for one or more terms (which may require re-application for admission to a program or faculty, or termination from any internship, practicum, or research project.

k) Suspension from the College – Suspension of the student from the College 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 and/or the placement of an academic hold.

l) Expulsion from the College – Expulsion of the student from the College.

Sanctions for non-academic misconduct shall not ordinarily be recorded on a student's transcript unless the student is on probation, suspended or expelled. In the case of suspension, the transcript notation shall be removed upon lapsing of the suspension.

Refusal to comply with sanctions under this Code is itself a serious offense and may result in suspension for up to two years.

Where monetary sanctions are imposed, or where sanctions have financial implications for students, the costs to the College and the degree of financial hardship imposed upon the student, if any, will be taken into consideration.

#### **Alternative Resolution Process**

With the consent of a Student Conduct Team member; the respondent; and any person directly and substantially affected by a breach or breaches, a sanction may consist of or include alternative measures.

Alternative measures may incorporate principles of restorative justice including a written or oral apology; community service; an educational assignment such as a reflective essay, or participation in a College service, program, a workshop, or webinar.

#### **Mediation**

Mediation can only occur with the consent of both Reporter and Respondent and in accordance with the established guidelines. If mediation is chosen, the parties will attempt to resolve the issue(s), using the following process:

- Either party may make a written request for resolution through mediation to the Registrar or Student Conduct Team Member who will convey the request to the other party.
- The Registrar will select (or act as) an experienced mediator.
- The mediator will inform the parties of the procedures to be followed.
- Both the mediator chosen and the format of the mediation procedure must be acceptable to both parties.
- Mediation proceedings are confidential and communications made by each party during mediation are made without prejudice.
- A mediated resolution of the complaint results in a written agreement setting out the terms of the resolution and if a proposed resolution involves the College, the College must also agree to the resolution.

#### **Appeals**

Students have the right to appeal any decision made under the Code. Appeals must be made in accordance with the Student Disputes, Complaints and Appeals Procedure.

	<p><b>Education</b>          Increased awareness and sensitivity to the issues of Code Violation and the demonstration of high standards of personal conduct by all members of the College community are the goals of this policy. The College will provide access to information and education regarding the Code through articles in employee and student orientation sessions.</p> <p><b>Confidentiality</b>          All persons involved in a report and/or investigation under this policy and procedure are entitled to confidentiality as required by law and College policy, and where otherwise appropriate. The College treats all reports as confidential, subject to the following:</p> <ul style="list-style-type: none"> <li>• When an individual is judged to be at imminent risk of harming self and/or others;</li> <li>• There are reasonable grounds to believe that Members of the College Community or wider community may be at risk of harm;</li> <li>• Reporting and/or conducting an investigation is required by law, by the College’s policies, or by an external body with appropriate authority.</li> <li>• Reporters and respondents are free to disclose their own experiences and stories;</li> <li>• Confidentiality is subject to the provisions of the Freedom of Information and Protection of Privacy Act (Alberta), other legislation, and College policy.</li> </ul>
<b>Definitions:</b>	<p><b>Balance of probabilities</b> - The standard applied wherein the evidence as a whole shows that the allegation is more likely to be true than not.</p> <p><b>Reporter</b> - Any person who has reason to believe a student has breached the Student Code of Conduct, and who initiates an Informal or Formal response as outlined in this Procedure.</p> <p><b>Interim measures</b> - Temporary measures that the College may reasonably impose when a student is alleged to have breached the Student Code of Conduct.</p> <p><b>Respondent</b> - The person alleged to have violated the Student Code of Conduct.</p> <p><b>Sanctions</b> - The penalties or outcomes that act to ensure compliance or conformity with the Student Code of Conduct applied where there is sufficient evidence to support an allegation.</p>
<b>Related Information:</b>	D25 Student Code of Conduct Policy D25 Student Disputes, Complaints and Appeals Procedure <a href="#">Freedom of Expression Policy</a> <a href="#">Anti-hazing Framework</a>
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