

OLDS COLLEGE POLICY

Olds College recognizes the need for Policies and Procedures, and the need for staff and students to be familiar with and follow such policies and procedures. It is the intent of Olds College that breach of College policies or procedures shall result in disciplinary measures up to and including suspension or termination. This applies to all College staff and representatives.

CATEGORY:	A. General				
SUBJECT:	Code of Conduct - Students				
POLICY NUMBER:	A38				
CROSS REFERENCE:	A07 Conflict of Interest A08 Alcohol Use and Service A17 College Relationships A20 Institutional Animal Care and Use A22 Weapons \ Firearms A28 Fraud and irregularities B25 Disclosure Protection D30 Complaints and Appeals D31 Academic Integrity D32 Academic Standing E02 ITM Privacy Information Security and Identity Management Information and Technology Services Use Agreement				
NEW \ REVISED					
<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">Administrative Services Committee</td> <td style="width: 50%; text-align: center;">Academic Council</td> </tr> <tr> <td style="text-align: center;">March 14, 2016</td> <td></td> </tr> </table>		Administrative Services Committee	Academic Council	March 14, 2016	
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POLICY STATEMENT

- 1.1 Olds College is a community of students, faculty, and staff involved in learning, teaching, research, and other activities. All members of this community are expected to conduct themselves in a manner that contributes positively to an environment in which respect, civility, diversity, opportunity, and inclusiveness are valued, so as to assure the success of both the individual and the community.
- 1.2 The purpose of this Student Code of Conduct is to define the general standard of conduct expected of students, provide examples of conduct that may be subject to disciplinary action by the College, provide examples of disciplinary measures that may be imposed, and set out the process and procedures that the College will follow when an allegation of non-academic misconduct is made. Students are expected to be aware of, and to conduct themselves in accordance with, this Code.
- 1.3 The College respects the right of students to conduct their own personal lives. This Code governs conduct only to the extent necessary to protect the integrity and proper functioning of the academic and non-academic activities of the College, the peaceful and safe enjoyment of College facilities by other members of the college community and the public, the freedom of members of the College to participate reasonably in the programs of the College and in activities in or on the College's premises, or to protect the property of the College and its members.
- 1.4 In the case of student employees, a breach of either code of conduct (A25 or A38) may result in action taken under either or both policies. Such situations will be considered on a case by case basis by consultation between the Director, Human Resources and the college Registrar.

SPECIFIC GUIDELINES

2.1 This Code applies to conduct that:

- (a) occurs on or near the premises of the College;
- (b) occurs elsewhere in the course of activities sponsored by the College, or where the conduct is alleged to adversely affect, disrupt, or interfere with another person's reasonable participation in College programs or activities; or
- (c) occurs in the context of a relationship between the student and a third party that involves the student's standing, status, or academic record at the College.

2.2 Any student found responsible for non-academic misconduct is subject to the disciplinary provisions of this Code, regardless of the action or inaction of civil authorities. 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. A student may be subject to criminal prosecution and/or civil proceedings notwithstanding, and in addition to, disciplinary action taken by the College against the student under this Code.

2.3 Any conduct on the part of a student that has, or might reasonably be seen to have, an adverse effect on the integrity or the proper functioning of the College, or the health, safety, rights, or property of the College or its members and visitors, is subject to discipline under this Code. The following list sets out specific examples of prohibited conduct. It is intended to help students understand the type of conduct that will be subject to discipline: it is not an exhaustive list and students should be aware that their conduct may still be considered prohibited conduct under this Code even if it does not appear in the list below.

2.4 Prohibited conduct that is subject to disciplinary measures includes, but is not limited to, engaging in, attempting to engage in, or assisting others to engage in any of the actions described below:

2.4.1 Misconduct against persons, which includes:

- (a) physically aggressive behavior, assault, harassment, intimidation, threats or coercion;
- (b) conduct that threatens or endangers the health, safety or property of any person;
- (c) conduct that creates conditions that endanger the health, safety, property, or well-being of any person;
- (d) engaging in a course of vexatious conduct, harassment, or discrimination that is directed at one or more specific persons and that is based on any of the protected grounds under the Alberta Human Rights Act; and
- (e) engaging in unwelcome or persistent conduct that the student knows, or ought to reasonably know, would cause another person to feel demeaned, intimidated, or harassed.

2.4.2 Misconduct against property, which includes:

- (a) taking without authorization, or misusing, destroying, defacing, or damaging College property or property that is not their own, or information or intellectual property owned by the College or by any of its members;

- (b) possessing College property or property that is not their own, if the student knows, or ought to reasonably know, that property has been taken without authorization; or
- (c) creating a condition that unnecessarily endangers or threatens destruction of College property or property that is not their own.

2.4.3 Disruption

- (a) No student shall, by action, threat, or otherwise, disrupt any activity organized by the College or by any of its faculties, schools, or departments, or the right of other persons to carry on their legitimate activities, to speak or to associate with others.

2.4.4 Unauthorized Use of College Facilities, Equipment, or Services:

- (a) No student shall use any facility, equipment, or service of the College, or enter or remain on any premises, to which they do not have legitimate access, or contrary to the expressed instruction of authorized persons.
- (b) No student shall use any College computing equipment, facility, network, or system for any disruptive or unauthorized purpose, or in a manner that violates any law, College regulation, policy or procedure.
- (c) No student shall destroy, misplace, misfile, or render inoperable any stored information such as books, film, data files, or programs from a library, computer, or other information storage, processing or retrieval system.

2.4.5 False Charges

- (a) No student shall bring a false charge against any member of the College under this Code.

2.4.6 False Information and Identification

- (b) No student shall knowingly furnish false information to any person or office acting on behalf of the College, or forge, alter or misuse any College document, record or instrument of identification, or knowingly furnish false information to any person regarding their standing, status, or academic record at the College.

2.4.7 Aiding the Commission of Prohibited Conduct

- (a) No student shall encourage, aid, or conspire with another student in the commission of prohibited conduct, or encourage or aid behavior by a non-student which, if committed by a student, would be prohibited conduct under this Code.

2.4.8 Refusal to Comply with a Direction of a College Representative

- (a) No student shall refuse to comply with a reasonable direction to do, or not to do, something that is made by a College representative authorized to make such a direction.

2.4.9 Refusal to Comply with Disciplinary Measures or the Terms of an Agreement Made Under Section 3

- (a) No student found to have committed prohibited conduct under this Code shall fail to comply with a disciplinary measure or disciplinary measures imposed under the procedures of this Code. No student who has agreed to take steps to correct or resolve a matter under Section 3 of this Code shall fail to comply with the terms of that agreement.

2.4.10 Unauthorized Possession or Use of Dangerous Objects

- (a) No student shall store, possess, or use real or replica firearms or other weapons, explosives (including fireworks), ammunition, or toxic or otherwise dangerous materials on College premises.

2.4.11 Alcohol or Drug Use

- (a) No student shall use, possess, or distribute a controlled or restricted substance or contravene provincial liquor laws or the policies of the College governing the possession, distribution, and/or consumption of alcoholic beverages.

2.4.12 Hazing

- (a) No student shall engage in hazing, which is defined as an act which endangers the mental or physical health or safety of a student for the purposes of initiation or admission into, affiliation with, or as a condition for continued membership in, a group or organization.

2.4.13 Contravention of College Regulations

- (a) When a rule, regulation, or policy of the College prohibits or proscribes certain conduct but does not provide any penalty for breaches of the rule, regulation, or policy, breaches shall be dealt with under this Code.

2.4.14 Contravention of Other Laws

- (a) No student shall contravene any provision of the Criminal Code or any other federal, provincial, or municipal statute or regulation.

3.1 Disciplinary measures which may be imposed, singly or in combination, for non-academic misconduct include, but are not limited to, the following:

- a) Warning or reprimand – A written warning or reprimand to the student.
- b) 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 or more severe disciplinary sanctions.
- 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 of, or conditions imposed on, a student's right to access to 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) Discretionary sanctions – Imposition of work assignments, service to the College or other such discretionary assignments that are considered appropriate and punitive, compensatory, restorative, educational, or deterrent in nature, provided that any such work or service is available and not prohibited by labour or other service agreements.
- h) Fines – Levying of a fine. Fines will not normally exceed \$1,000.
- i) Loss of fees – Forfeiture or loss of payments, fees, or refunds.
- j) Relocation or exclusion from residence – Relocation from a residence or exclusion of the student from residence for any specified period of time.
- k) 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.
- l) 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.
- m) Expulsion from the College – Expulsion of the student from the College.

3.2 Disciplinary measures 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.

3.3 Refusal to comply with a disciplinary measure or disciplinary measures imposed under this Code is itself a serious offence and may result in suspension for up to two years.

3.4 Where the non-academic misconduct resulted in property damage, the disciplinary measures should include restitution or rectification.

3.5 Where a monetary disciplinary measure is imposed, the costs to the College and the degree of financial hardship imposed upon the student, if any, will be taken into consideration.

IMPLEMENTATION AND ADMINISTRATIVE RESPONSIBILITY

This policy will be reviewed every five (5) years by the Registrar and the Vice President, Student and Support Services.

OLDS COLLEGE PROCEDURES

Olds College recognizes the need for Policies and Procedures, and the need for staff and students to be familiar with and follow such policies and procedures. It is the intent of Olds College that breach of College policies or procedures shall result in disciplinary measures up to and including suspension or termination. This applies to all College staff and representatives.

SUBJECT AND POLICY NUMBER	A38 Code of Conduct - Student
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NEW \ REVISED

Vice President Student and Support Services	Vice President Academic and Research	Vice President Advancement
March 16, 2016		

Maintaining the standards of the Student Code of Conduct (hereinafter called the "Code") is the responsibility of all Olds College's students, employees, agents, contractors, partners and volunteers (herein collectively referred to as "Individuals").

1. Attempting or assisting others to commit acts, which violate the Code, shall be treated in the same manner as completed violations and are subject to the same range of sanctions.
2. 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.
3. In terms of investigating and reporting violations of the Code, Olds College understands that Individuals who are victims of a crime (e.g. sexual misconduct, including sexual harassment, sexual assault or sexual stalking) may wish to control whether or how their experience will be dealt with by the police and/or the College. Normally the victim 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 the consent of the victim, if the College believes that the safety of the college community is a risk.

INVESTIGATION PROTOCOL

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

1. Direct Action

Any individual or College representative ("herein after called the Complainant"), 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 ("herein after called the Respondent") that the Respondent's behaviour is unwelcome or inappropriate and requesting that it end.

2. Informal Complaint Processes

- 2.1. An individual who is reluctant to confront a Respondent directly may choose to engage in an informal process to determine how to proceed. All such concerns should be presented to the Registrar (or designate) for consideration. The Complainant may be reluctant to bring forward concerns to the Registrar because (a) the Complainant may be unsure if the Respondent's conduct is a violation of the Code, (b) has tried to confront the Respondent previously without success or (c) has been subjected to retaliatory behaviour after confronting the Respondent.

2.1.1. If a complaint is to be made concerning the Registrar, the Vice-President of Student and Support Services will assume the role of the Registrar for activities that the Registrar would otherwise undertake under this policy.

2.2. If the Complainant is reluctant to bring concerns to the Registrar, the Complainant may consult with his or her instructors, the Student Association, or Coordinator/Chair/Dean to identify if reasonably and in good faith, a violation of the Code has occurred.

2.3. If the individual who is consulted by the Complainant identifies reasonably and in good faith a violation of the Code, he or she must direct the Complainant to bring the matter to the attention of the Registrar, as soon as possible, and in any event, no later than ten (10) working days.

2.4. The Registrar will outline the following resolution options to the Complainant:

2.4.1. Complainant deals directly with the Respondent;

2.4.2. informal discussions with the Respondent;

2.4.3. counseling;

2.4.4. mediation;

2.4.5. formal complaint investigation and report set out in this policy;

2.4.6. formal complaint to the police (If it is determined that the safety of the college community is at risk, this may be done without the consent of the Complainant).

2.5. Mediation can only occur with the consent of both Complainant 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:

2.5.1. Either party may make a written request for resolution through mediation to the Registrar who will convey the request to the other party.

2.5.2. The Registrar will select (or act as) an experienced mediator.

2.5.3. 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.

2.5.4. Mediation proceedings are confidential and communications made by each party during mediation are made without prejudice.

2.5.5. 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.

3. Formal Complaint Investigation

In the case of a formal complaint investigation, it will proceed as follows:

3.1. Any person who has identified, reasonably and in good faith a violation of the Code should, as soon as possible and, in any event, not later than ten (10) working days after observing or learning of the violation, inform in writing (where possible) hereinafter called the "Allegation", and identify himself or herself, to the Registrar unless the Registrar is somehow involved in the violation, in which case the Vice President, Student and Support Services should be approached.

3.2. Any threat, act of intimidation or retribution, or other disciplinary, punitive or coercive action made against a Complainant by an individual in response to the Complainant's Allegation constitutes a serious violation of the Code.

- 3.3.** The Registrar who has received an Allegation shall investigate the matter thoroughly, fairly, and without bias. The Registrar may appoint an investigation officer or conduct the investigation personally. The Registrar or investigation officer who ultimately undertakes the investigation is hereinafter called the "Investigator".
- 3.4.** Nothing in the Code precludes the College from investigating misconduct and taking disciplinary actions without an Allegation.
- 3.5.** 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 Registrar extends the time. Both the Complainant and the Respondent will be advised of any extension.
- 3.6.** The investigation of the Allegation may include but is not limited to:
 - 3.6.1.** review of all necessary records and information, including college email and social media, 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;
 - 3.6.2.** interviewing of Complainant, Respondent and witnesses, up to and including every Individual identified in the Allegation as having broken the Code.
- 3.7.** All evidence, including the identities of the Complainant, 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.
- 3.8.** Upon reviewing records and conducting interviews, the Investigator must compile an Investigator's Report of the findings and his or her recommendations for discipline and/or remedial/relief.
- 3.9.** When necessary, the Registrar will review the Investigator's Report and determine whether or not the evidence on balance justifies imposing a discipline and/or granting of remedial relief. The Registrar may, in his or her sole discretion, mediate between the Complainant and Respondent to assist this determination.
 - 3.9.1.** If the Registrar concludes that, on the basis of the evidence before him or her, discipline and/or granting of remedial relief is warranted, the Registrar shall present the Allegation and decision in writing to the Respondent and placed in their Student File.
 - 3.9.2.** If the Registrar determines that the evidence does not justify discipline and/or granting of remedial relief, he or she shall terminate the matter and so inform in writing the Respondent and Complainant. No documentation relating to the Allegation will be placed in the Respondent's file. Notwithstanding this decision, respondents may be subject to discipline based on violations of other jurisdictional codes. i.e. Olds College Residence Handbook, Olds College Broncos Code of Conduct etc.

4. Formal Complaint Final Report

- 4.1** The Registrar will submit a Final Report that includes the Investigation Report and Registrar's Recommendations regarding the imposition of discipline and/or granting of remedial relief to the Dean and Vice President, Student and Support Services.
- 4.2** Where the Investigation Report substantiates the Allegation and the Registrar has recommended a penalty, the final decision for the imposition of discipline and/or granting of remedial relief will be agreed upon by the Dean and the Registrar. In the event of disagreement between the Dean and Registrar, the Vice President, Student and Support Services will have the final say.

5. Formal Appeals

- 5.1.** Students have the right to appeal any decision made under the Code.
- 5.2.** Appeals must be made in writing to the Vice President, Student Services no more than 10 working days after receiving notification of the final decision.
- 5.3.** Where the Vice President, Student and Support Services was involved in the investigation and/or decision, the appeal will be handled by the Vice President, Academic and Research.
- 5.4.** Where warranted, the Vice President may choose to hear the Respondent's appeal in person and is free to contact and interview anyone involved or named in the investigation to determine the final outcome of the appeal.
- 5.5.** A final appeal may be made to the Appeals Committee of Academic Council as outlined in policy D30 Complaints and Appeals. This appeal must be made in writing to the Chair of the Appeals Committee within five business days of a decision from either Vice President.

EDUCATION

- 1.** 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.
- 2.** The College will provide access to information and education regarding the Code through articles in College publications, employee and student handbooks, employee and student orientation sessions, presentations to student and employee groups and with print material distributed and available through the Campus Life and Human Resources Departments.

CONFIDENTIALITY

- 1.** The College will ensure that any inquiry made or informal or formal process taken pursuant to this policy is kept in confidence except as necessary to the investigation or to respond to any legal and/or administrative proceedings arising under this policy or otherwise. The policy is subject to the Freedom of Information and Protection of Privacy Act.
- 2.** It is essential that the Complainant, Respondent and all those involved in the informal or formal processes conducted under this policy also maintain confidentiality. Breaches of confidentiality will be subject to discipline.