

## Addressing Breaches of the Student Code of Conduct

NBCC believes that learning in an adult education setting offers holistic development of the learner. It is the responsibility of all students to be familiar with and to adhere to the standards of conduct outlined in all policies and procedures of the College related to Student conduct. NBCC has a responsibility to evaluate, investigate, and adjudicate allegations of policy violations in a manner that adheres to the principles of **procedural fairness**.

This student conduct process is designed to incorporate a **developmental approach**. We are committed to encouraging critical reflection, accountability, and learning. Where possible and appropriate, **education and coaching** shall be used to attempt the informal resolution of minor misconduct.

### 1.0 DEFINITIONS

#### **Discrimination**

Is the unequal treatment of people based on identifiable characteristics which grounds are protected by the New Brunswick Human Rights Act. This includes race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, family status, sexual orientation, gender identity or expression, sex (includes pregnancy, the possibility of pregnancy or circumstances related to pregnancy), social condition, political belief, or activity.

#### **Major Misconduct**

Conduct which breaches the students' express or implied obligations as set out in the Student Code of Conduct, and is also threatening, aggressive, harassing, discriminatory, violent, or harmful or potentially harmful to property or individuals. It also includes recurring minor misconduct (even if the student had acknowledged their responsibility for previous minor misconduct).

#### **Minor Misconduct**

A breach of the Student Code of Conduct policy that has had a limited impact on the rights or academic experience of others but may have created a disturbance or had an impact on the operation of the college community.

#### **Personal Disrespect**

Is objectionable or offensive behaviour that is directed at an individual and is known, or ought reasonably to be known, to be unwelcome. This includes objectionable conduct, comments, or displays made on either a one-time or continuous basis that demeans, belittles, or causes personal humiliation or embarrassment. Examples include, but are not limited to:

- bullying behaviour
- rumour or gossip
- isolation and exclusion
- denigration of a student, co-worker, colleague, or person in authority (face to-face or through social media)

#### **Procedural Fairness**

The process that ensures that an individual who is alleged to be in violation of a policy is given fair consideration in the determination of responsibility.

**Respondent**

A student who is alleged to have engaged in prohibited conduct.

**Sexual Harassment**

Is any conduct, comment, gesture or contact of a sexual nature that is likely to cause offence or humiliation to an individual. It is conduct or comments of a sexual nature that is known, or ought reasonably to be known, to be unwelcome. Sexual harassment includes behaviour that might reasonably be perceived by a person as placing a condition of a sexual nature on employment or any opportunity for training or promotion. Examples include, but are not limited to:

- leering
- sexist jokes
- display of sexually offensive material
- use of sexually degrading words to describe a person
- derogatory or degrading remarks about sexual orientation
- sexually suggestive or obscene comments or gestures
- inquiries or comments about a person's sex life
- unwelcome sexual flirtations, repeated unwanted social or sexual invitations
- unwanted touching
- sexual assault

**Social Media**

Websites and applications that enable users to create and share content or to participate in social networking (including, but not limited to, Facebook, Twitter, Instagram, Snapchat, and group forums).

**Technology Resources**

Including but not limited to computing devices, communication devices, hardware, software, applications, storage, and other network infrastructure authorized for use by College employees.

**Use of social media to threaten, harass or abuse**

Social media is any form of electronic or digital medium of communication including email, voice mail, Facebook, Twitter, instant messaging, texting, sexting, and blogging. The misuse of social media and its impact is not restricted to the physical workplace.

**Workplace Violence**

Is physical violence and psychological violence, including bullying, mobbing, teasing, ridicule or any other act or words that could psychologically offend or isolate a person in the workplace or learning community.

## 2.0 PURPOSE and SCOPE

This document outlines the process to be followed when addressing breaches of the Student Code of Conduct. Suspected breaches may result in Informal or Formal Assessment of the student's action depending on the type of misconduct, category and number of offenses that have occurred.

**NOTE:** Suspected violations of the Academic Integrity policy will be addressed by the respective Academic School. Refer to Addressing Breaches of Academic Integrity (1111.5349).

## **3.0 IMPLEMENTATION**

College staff share responsibility for ensuring that students are aware of their responsibilities regarding NBCC policies, to provide clarification when questions arise related to policies and processes, and to ensure that breaches are dealt with in a reasonable timeframe and in a progressive manner.

Concerns regarding Student Conduct may arise both inside and outside of the classroom.

### **3.1 Conduct within the learning environment**

Instructors are responsible for managing the classroom environment and may wish to address a concern regarding a student's conduct. Should an issue arise within the classroom environment, instructors are expected to inform the student and explain the nature of the concern, allowing the student an opportunity to ask questions and share their experience.

After meeting with the student regarding the concern, if the student accepts responsibility the instructor will document the coaching conversation and any developmental outcomes agreed upon on a PASS form, sending it to the student and the Academic Chair.

Should the student dispute the allegations or if the misconduct is of a serious nature, the instructor submits a PASS form to the appropriate Head of Student Services. (See Appendix B)

### **3.2 Conduct outside the learning environment**

Concerns regarding a student's conduct may be reported by any member of the College community, including faculty, staff, other students and visitors to campus. To bring a concern forward, the College community member must document as much information as possible, including the student's name and ID number. Information on the potential breach should be immediately forwarded to a Head of Student Services (See Appendix A).

## **4.0 GUIDELINES FOR ASSESSMENT**

### **4.1 Preliminary Inquiry**

When a concern is received by a Head of Student Services, they will conduct a preliminary inquiry following procedural fairness. The Head may notify the student that a concern has been received.

It is at the discretion of the Head, Student Services, in consultation with others, to determine the seriousness of the potential breach, and whether interim measures are necessary. **Interim measures are non-punitive.** They are conditions and/or restrictions that may be placed on a student accused of alleged misconduct. Interim measures are implemented to support a safe campus environment and to maintain the integrity of the investigation.

In cases where safety is a concern, a temporary suspension from NBCC facilities and all courses, programs, and services for a period to allow an investigation to be completed. The student will be notified in writing of the duration and conditions of the temporary suspension

## **4.2 Informal Assessment**

The Head is responsible to coach the student in minor breaches to ensure that the violation is understood and resolved. A referral may be made to appropriate student supports (ex., Library Services, Success Coach, Counselling).

Informal Assessments and agreed upon outcomes may be confirmed with the student via email, cc'ing the Academic Chair.

## **4.3 Formal Assessment**

- 4.3.1 The Student Assessment Committee may consist of the following representatives:
  - Designated Head of Student Services, who will serve as the Lead of the Assessment Committee.
  - A minimum of two additional personnel (Coordinating Instructor, Student Services representative, etc.), not directly involved in the incident.
- 4.3.2 The student shall be notified in writing by the Lead of the Student Assessment Committee a minimum of two days in advance that a formal meeting is requested to investigate the potential violation.
- 4.3.3 Student input and participation in the assessment process is valued and encouraged. The student is encouraged to speak with an advocate prior to the assessment meeting. Students are advised that they can bring a support person to the meeting (Student Services team member, family member or NBCCSU advocate) and can request appropriate individuals as guests (i.e., sponsoring agency, co-op coordinator).
- 4.3.4 The student is encouraged to attend the assessment meeting. Both the student and complainant or other staff involved will have the opportunity to provide input at the meeting. In the event the student does not attend, the meeting will take place in their absence.

The Student Assessment Committee acts within the scope of the mandate of NBCC and its existing policies. The committee conducts an internal review of the suspected policy violation by ensuring that all relevant facts from all parties involved be reviewed and taken into consideration.

## **4.4 Formal Student Assessment – Decision & Sanctioning**

After an assessment meeting occurs, the Student Assessment Committee meets to decide if there is a violation of a policy and what sanctions will be applied.

- 4.4.1 The Student Assessment Committee weighs all information available from the investigation and meeting to determine if there is a policy violation based on the balance of probability.

- 4.4.2 Where there is no finding of violation based upon information and evidence provided, the Lead will send a formal decision letter indicating so.
- 4.4.3 Where a policy violation is confirmed, sanctions will be decided. These can be developmental, restorative, or disciplinary and should be reasonable and progressive in nature.
- 4.4.4 Committee decisions are made through a consensus decision-making process. To comply with fairness principles, including a meaningful right of appeal, the decision must include the following elements when issued to the student:
- factual findings that were key to the decision
  - reasons/clear explanation how the factual behaviour is deemed to constitute misconduct
  - confirmation of the level/nature of the misconduct identified (minor misconduct, major misconduct)
  - sanction imposed
  - reasons/clear explanation why the imposed sanction is deemed to be appropriate
- 4.4.5 In addition to sanctions, the Committee will determine any change in Student Conduct Standing:
- change in student standing because of repeated minor misconduct (i.e. Conduct Probation, Conduct Suspension)
  - change in Student Standing because of major misconduct (i.e. Conduct Probation, Conduct Suspension, Expulsion)
- Decisions by the committee to impose extended suspension and expulsion outcomes may require consultation with the Academic Dean.
- 4.4.6 The Lead advises the student of the Committee's decision within two (2) academic days of the Student Assessment meeting. At the time of student advisement, the student is also informed of their right to appeal. (See [Student Appeal](#).)
- 4.4.7 A copy of the Student Assessment Meeting decision letter is sent to the Academic School.

NOTE: Timelines for meeting invitations and outcome letters, as set out in the procedures within the policy, are those to which the College expects normally to be able to adhere. It is anticipated, however, that there may be occasions when it is not feasible for a full and thorough investigation to be carried out within those normal timescales, where a longer period is therefore required. These may include, but are not restricted to:

- Periods when NBCC is closed (e.g. Statutory Holidays and the Christmas/New Year period)
- Periods when key staff are absent from the College due to work commitments, scheduled or unscheduled leave, sickness, or other good reason.
- Other extenuating circumstances.

Where it is apparent that the stated deadlines cannot be met, the student will be informed at the earliest opportunity.

## **5.0 NON-DISCIPLINARY SANCTIONS**

### **5.1 Verbal/Written Warning**

Formal notice by the Student Assessment Committee that a student has violated NBCC's Student Code of Conduct, and that repeated or further conduct violations may result in disciplinary action up to and including expulsion. Verbal warning is issued at the time of the incident; followed up with written warning (copied to the student, and Academic Chair).

### **5.2 Coaching conversation empowers students through encouragement and teaching**

It reinforces strengths and explores challenges with the student. Successful coaching guides students towards success but promotes independent thinking and collaboration to overcome obstacles.

### **5.3 Educational or developmental assignments**

Meaningful and appropriate engagement opportunities or activities to promote student learning and performance and change future behavior.

## **6.0 DISCIPLINARY SANCTIONS**

### **6.1 Conduct Probation**

A written order that includes specific terms and conditions as part of a student's continued enrolment. Conduct probation is for a specified period of time, meant to give the student the opportunity to modify unacceptable behavior, to complete specific assignments, or to demonstrate positive behaviors in an effort to regain full student privileges. Students are returned to Good Standing when all of the conditions have been met and the conduct probation timeframe has elapsed. Students on conduct probation are subject to further disciplinary action if there are other policy breaches or violations.

### **6.2 Short-Term Conduct Suspension**

Suspension of a student from participating in specified College activities, courses, programs, and services for a designated period of time not to exceed 4 months

### **6.3 Long-Term Conduct Suspension**

Suspension of a student from all courses, programs, and services for a period not less than 4 months and which may extend up to 5 academic years. Restriction from the campus or any NBCC property may be imposed. Re-admission may occur upon approval of the Director of

Student Development if the conditions of suspension are met and if there is space availability.

## **6.4 Expulsion**

Expulsion of a student for further or extreme violation of NBCC's Student Code of Conduct policy. Expulsion is a permanent restriction from accessing any NBCC facilities and/or registering for or attending any courses, programs or services offered by NBCC. No re-admittance to the College is possible.

## **7.0 ASSESSMENT FOLLOW-UP AND STUDENT RECORDS**

### **7.1 FOLLOW-UP ITEMS**

- 7.1.1 When possible, a Head, Students Services or designate will conduct a follow-up meeting with the student to support developmental or restorative outcomes being completed. If developmental or restorative sanctions have been completed, the student is sent an email after the check-in meeting as a record of the sanctions being fulfilled.
- 7.1.2 If developmental or restorative sanctions are not completed within the timelines outlined in the decision letter, a disciplinary sanction may be issued by the initial Student Assessment Committee.
- 7.1.3 Records of the meeting, outcomes and other relevant documentation are confidentially maintained by the Lead in a secure location for the current academic year. For meetings resulting in a change in student standing, records become part of the official student record. The Lead notifies the Registrar to add the appropriate notation to the official student record.
- 7.1.4 Students who have been suspended for misconduct reasons will be readmitted to a class or program only after the time frame specified, and conditions of the assessment committee decision have been met.

## **8.0 OTHER RELATED DOCUMENTS**

[Academic Integrity \(1111\)](#)

[Student Standing \(1113\)](#)

[Student Appeal](#)

[Student Code of Conduct \(1112\)](#)

## Appendix A – Academic School Assignments

School of Arts, Community & Protective Services	Justin Stoodley
School of Hospitality & Tourism	Emily Dayboll
Wesley Armour School of Business	Emily Dayboll
School of Health & Wellness	Nina Quigley
School of Trades & Apprenticeship	Helen Hiltz
School of Engineering Technologies	Justin Stoodley
School of Information Technologies	Victoria Scott
School of Professional & Part Time Learning	Helen Hiltz



## Appendix B – Student Conduct Process Map

