

Policy 3400: Student Code of Conduct – Rights and Responsibilities

A. PURPOSE

The purpose of this policy is to provide clear expectations of appropriate nonacademic student conduct and well as understanding of processes for resolution of conduct issues or the imposition of sanctions for inappropriate conduct.

This policy relates to the behaviour of all students who are engaged in activities affiliated with Selkirk College. It seeks to ensure the personal safety and well-being of all members of the Selkirk College community. The fundamental goals are to:

1. create a supportive and learning environment;
2. prevent the reoccurrence or escalation of disruptive behavior;
3. protect the safety, dignity and reputation of each individual and of the community as a whole;
4. respond in a timely manner to sensitive issues;
5. protect sensitive information that is disclosed confidentially; and
6. uphold the College's obligations in supporting its students.

All complaints will be managed and decision-making processes conducted in a manner consistent with the principles of natural justice and administrative fairness. The standard of proof required to establish a violation of this policy is the civil standard, or balance of probabilities, meaning the evidence demonstrates it is more likely than not that the alleged misconduct occurred.

B. SCOPE / LIMITS

This policy applies to all student conduct that occurs:

1. on property owned rented, or leased by the College;
2. at any municipal facility included in agreements between our community partners and Selkirk College;
3. during a College-sanctioned activity that takes place off campus (i.e. an event that is funded and/or approved by Selkirk College);
4. when a student is acting as a designated representative of the College and/or of a student group;
5. when using electronic communications under the name of Selkirk College, or using technology managed by the College (see Policy 7110: Acceptable Use of Electronic Resources) including online courses; and
6. when using social networking sites (while the College does not actively monitor student social networking, content that is brought to the attention of the College that reasonably

Policies and Procedures

suggests breach of this policy or other College policies may be investigated and responded to by the College as appropriate).

Notwithstanding this scope, the College can provide advice and assistance to all members of the College community experiencing difficulties with respect to student conduct.

Relationship to Other Policies

This policy establishes a framework for responding to student behaviour that violates any administrative policies of the College, found at policies.selkirk.ca. A summary of relevant administrative policies can be found at the end of this policy. Note that cases of sexual violence fall under Policy 6030: Sexual Violence Prevention and Response.

Individuals may be in a dual role, as both students and employees of the College, and there may be a question of which College policy should apply. In this case, the Adjudicator may consult with the Director, Student Development, and/or the Registrar, if applicable, to determine which policy should apply to the precipitating incident. Generally, other policies or collective agreements would apply when the student was acting in the capacity of a College employee.

C. PRINCIPLES

As members of a community, we each share responsibility for encouraging constructive behaviour and, to the best of our ability, challenging behaviour that is harmful. The standards we collectively choose to uphold have a significant impact on our ability to be inclusive and the value of education at Selkirk College. This College is intended to be a collegial environment characterized by mutual respect. At times, individuals find themselves confronted with behaviour or a situation that they find troubling; all members of the Selkirk College community have the right to confidentially seek advice without judgement from any staff member, who can then help to identify options for a remedy. Individuals who come forward have a right to specify what they would like to see happen next, and their privacy will be protected.

Those impacted by alleged breach of the Code

Conduct will have a right to identify possible remedies.

D. DEFINITIONS

Individuals and College Community

1. **Adjudicator:** A person who makes a decision in formal disputes.
2. **Staff:** Regular and term employees of the College.
3. **Student:** Any person admitted to or enrolled at Selkirk College, full time or part time, pursuing non-credit, undergraduate, graduate or professional studies, whether or not the individual is currently registered in courses or is currently a candidate for a degree, diploma or certificate, including between semesters. A complaint may be held in abeyance if an individual ceases to be a student, and resumed if they return.

Policies and Procedures

4. Selkirk College Community: Current students, faculty and staff of Selkirk College and guests to the campus.

Procedural Terms

1. Balance of probabilities: An investigation of the complaint finds that it is more likely than not to have occurred. This is a different standard from criminal cases that require the standard of being beyond a reasonable doubt.
2. Policy procedures: Ways in which complaints are resolved. This ranges from coaching, facilitated discussions, formal negotiations, and formal adjudications, as well as appeals. Complaints will be resolved using the simplest option possible.
3. Dual Role: When an individual is both a student and employee of the College, which may cause a question to arise of which College policy would apply to the case.

E. FUNDAMENTAL RIGHTS AND RESPONSIBILITIES

1. A student's fundamental rights are upheld to the point at which they present a risk of harm to themselves or others. In this context, every student has the right to:
 - a. pursue their education in an environment that is respectful, safe, secure and conducive to learning;
 - b. a College experience free from violence, harassment, intimidation, bullying, hazing or coercion, including online and through social media;
 - c. self-determination with regards to their bodies, the opportunity to fully participate without unwanted sexual attention or sexual objectification;
 - d. due process and the right to a fair hearing by College officials acting in their administrative capacity;
 - e. protection of privacy of their personal information consistent with existing policy and legislation;
 - f. choice of whether or not they will make use of support programs that are designed to help alleviate personal difficulties;
 - g. be accommodated on the basis of recognized human rights grounds; and
 - h. compassionate understanding of major life events that represent an emotional crisis.
2. Students have a right to request and be informed of, prior to registration, the extent of College-related expenses to be incurred during their studies at the College and to be made aware of any services offered to them.
3. Students have a right to request and receive, at the beginning of the course, notice of the availability (time and place) of their instructor/s and staff members responsible for all services offered.

Policies and Procedures

4. Students have the right to refer to any documents contained in their student records. They also have the right to add documents to their student records, including written documents refuting the contents of documents of a disparaging nature.
5. Students have the right to be informed, at the beginning of the course, of methodologies, assignments to be handed in, penalties for delays, and the estimated waiting period for obtaining academic results. Further, students have the right to be informed in advance of any substantial changes in the preceding items.
 - a. Students have a right to access the policy and procedures in regards to course/program requirements and expectations at or before the commencement of the program or course..
6. Students have a right to proper and impartial evaluation of their performance.
7. Students have the right to obtain their marks and College certification within a reasonable time frame.
8. Students have the right to request and receive all rules, policies or guidelines regarding study and general conditions at the College.
9. Students have the right to obtain their completed assignments, once marked, unless the instructor has previously informed the students otherwise.
10. Students have the right to appropriate services and resources that support instruction and student life.
11. Students have the right to an opportunity to provide feedback on the College's programs and services.

F. FUNDAMENTAL RESPONSIBILITIES

1. Every student is responsible for:
 - a. contributing to making the College community safe, respectful and inclusive, both in person and on social media;
 - b. ensuring their conduct does not interfere with another student's ability to complete College related activities;
 - c. refraining from conduct that threatens the health, safety or dignity of any person (including themselves), the institution or one of its communities, or violates the law. This includes but is not limited to:
 - (i) inappropriate use of safety equipment and procedures;
 - (ii) possession of weapons (NOTE: ceremonial items such as the Kirpan, are not considered a weapon.);
 - (iii) damage to property;
 - (iv) accessing private, locked or restricted areas without authorization;

Policies and Procedures

- (v) misuse or unauthorized distribution of alcohol or drugs including cannabis; and
 - (vi) assault, sexual violence or harassment and stalking.
- d. respecting privacy and confidentiality, including but not limited to:
- (i) access to electronic files, user accounts or devices;
 - (ii) use of computers for unauthorized purposes and engaging in any activity aimed at compromising computer systems or network security; and
 - (iii) disclosure of confidential information without consent/authorization.
- e. taking responsibility for behaviour caused by personal difficulties, and ensuring such circumstances do not infringe on the rights of others in the community;
- f. behaving in a fully truthful and forthright manner when engaging in College activities, or in procedures under this policy;
- g. abiding by administrative policies set out by the institution, including any contracts or agreements between the student and the College; and
- h. following all relevant laws at the municipal, provincial, and federal level, or local and regional laws when traveling abroad.
2. Students are responsible for communicating with their instructors, counsellors or Chairs in order to solve any problems encountered.
3. Students are responsible for taking advantage of educational activities offered to them and for taking part in meetings where topics concerning them will be discussed.
4. Students are responsible for taking advantage of services offered to them by the College in order to ensure proper orientation to their studies, academic progress and general development.
5. Students are responsible for fulfilling their obligations, as agreed upon in conjunction with the College, with regards to the use of goods and services at their disposal.

Where the College has taken reasonable measures to raise awareness of a policy, ignorance of the policy will not be considered acceptable. Intoxication (alcohol, cannabis/drug use) will not be considered an acceptable justification for misconduct. Mental health is understood to be a factor that can influence behaviour, however, it remains the responsibility of the student to take reasonable steps to manage symptoms such that they do not endanger any person or property.

Accessibility Notice

This document is available in PDF on our Selkirk College website. Persons utilizing this policy (i.e., complainants, witnesses or respondents) may conduct their involvement orally or with the assistance of an interpreter upon request.

Policies and Procedures

G. RELEVANT POLICIES

Policy 7110 Acceptable Use of Electronic Resources

Policy 3300 Accessibility Services for Students with Specific Disabilities

Policy 6010 Human Rights, Harassment, and Discrimination

Policy 6030 Sexual Violence Prevention and Response

Responsibility, Recommendation and Approval Dates

Executive Responsibility: Vice President Students and Advancement/Registrar

Administrative Responsibility: Director of Student Development

Recommended by Policy Review Committee: 2019-06-12

Recommended/Approved by Education Council: 2019-09-10

Approved by President: 2019-09-06

Linkage to Board Policy: E30, E40, EL10, and EL60