A. Background and Definitions

Niagara College is committed to maintaining a high standard of Civility in the interactions between members of the Niagara College community. All Students are responsible to comply with the Student Code of Conduct, its subsequent procedures and all applicable College policies.

Civility: A range of behaviours including courtesy, respect for the privacy and dignity of others, acting in good faith and with respect.

Complainant: An individual who brings forward a complaint alleging a violation of the Student Code of Conduct.

Conduct Meeting: A meeting initiated by the Student Rights & Responsibilities Office to gather information and/or to provide Respondents with an opportunity to respond to allegations of Misconduct.

Interim Measure: A course of action immediately imposed on a Student before the College makes a final determination about the alleged Misconduct. An Interim Measure is not considered a finding of Misconduct.

Misconduct: The failure to comply with, or violation of the Niagara College Student Code of Conduct.

Niagara College Activity: An activity approved and/or supported by Niagara College on or off-campus. This may include but is not limited to co-op, academic placements, field trips (domestic and international), competitions, Co-Curricular experiences, or any or any other events supervised, approved and/or sponsored by Niagara College personnel acting in the course of their duties.

Progressive Discipline: The process of imposing sanctions with consequences increasing in severity when a Student’s behaviour continues to be in violation of the Student Code of Conduct.

Respondent: A Student against whom a complaint has been made alleging a violation of the Student Code of Conduct.
Sanction: A range of imposed consequences for having been found in violation of the Student Code of Conduct.

Student: For the purposes of this policy, a Student is considered to be an individual who is admitted, enrolled, registered and/or on a scheduled break in study at Niagara College.

Student Rights and Responsibilities Office (SRRO): College Administrators appointed to oversee and implement the Student Code of Conduct.

B. Purpose

The Student Code of Conduct provides guidelines for appropriate behaviour for all Niagara College students and a framework for addressing non-academic misconduct.

C. Policy Statements

1. A Student has the right to:
   a) a learning environment which supports civility and safety;
   b) have their personal privacy appropriately respected by others;
   c) be free from any form of harassment or discrimination; and
   d) fair procedures and processes under this Code without fear of reprisal.

2. A Student is responsible to:
   a) ensure their conduct aligns with the Student Code of Conduct;
   b) respect the rights of other members of the college community to a safe and respectful environment, therefore refraining from any conduct deemed to be inappropriate;
   c) refrain from endangering the health, safety, rights, or property of Niagara College and its community members;
   d) ensure civility and respect when engaging in the learning environment;
   e) comply with all Niagara College policies, the Criminal Code of Canada and/or any other federal, provincial or municipal law; and
   f) monitor their Niagara College email and learning management system (e.g. Blackboard) for any communication from college personnel, responding in a timely manner and attend scheduled meetings.
3. Investigations under the Student Code of Conduct and determinations of Misconduct, will be carried out by the SRRO.

4. Where an investigation leads the SRRO to determine that the behaviour in question is related to a health condition, the condition will be taken into account in the processing of the complaint.

5. Misconduct under this policy includes any action that violates the Criminal Code of Canada, Provincial Offenses Act or any other applicable legislation. Misconduct under this Code includes but is not limited to:
   
a) behaviour that is aggressive, threatening, violent, offensive, intimidating, bullying, stalking, coercive or disruptive conduct negatively impacting services and activities;
   
b) inciting behaviour, that if undertaken, would be in violation of any Niagara College policy;
   
c) the use of language that is aggressive, intimidating, threatening, demeaning and/or offensive;
   
d) disorderly or indecent behaviour;
   
e) coercing or enticing a person to commit an act that is humiliating, demeaning, illegal, or puts them in danger;
   
f) misuse, destruction, vandalizing, removal or theft of property that is not the Student’s own;
   
g) unauthorized access to or presence in College facilities, including residence rooms of others;
   
h) tampering with emergency telephones, fire protection equipment, or any other emergency equipment;
   
i) accessing, obtaining or disclosing all or any part of confidential records pertaining to a member of the college community without that person’s expressed consent;
   
j) the use of technology contrary to policies on computer and network use, or that violates any applicable copyright, criminal and/or human rights law, including but not limited to harassing, threatening, downloading, storing, distributing inappropriate material, or sending messages which are pornographic, obscene, abusive, threatening, malicious and/or defamatory;
   
k) the use, possession, or distribution of restricted substances while on College property or while attending a Niagara College Activity;
   
l) the illegal possession or consumption of alcohol on campus outside of a residence, licensed events or licensed areas;
POLICY GROUP: NC800 Student Rights & Responsibilities
POLICY TITLE: Student Code of Conduct

m) smoking in areas other than the designated smoking areas;

n) the cultivation of cannabis on Niagara College property, including Niagara College residences, with the exception of when part of an approved academic program;

o) unauthorized use of electronic or other devices to make or disseminate an audio, video, photographic or digital record of any person while on college property, or at a Niagara College Activity, without the prior knowledge and effective consent of the individuals, when it is reasonable to believe that the recording or nature in which it is played, shown, distributed or displayed, is likely to be unwelcome or cause distress to any person;

p) no photography or electronic recording is permitted in the classroom, laboratory or other learning environment except as expressly agreed to by the individuals, or as approved by the College as an accommodation;

q) engaging in behaviour contrary to the College’s Sexual Assault and Sexual Violence policy;

r) refusal to present student identification or other identification in lieu of student identification, when requested by a college authority, providing Niagara College student identification to another person, possession, distribution and/or use of false or altered identification of any type.

s) entry to closed or restricted college facilities or remaining within college facilities after closing without an appropriate, approved building pass, refusing to leave when asked by College authorities;

t) use, misuse, possession, storage, distribution or threat of use of weapons, explosives, replica firearms, ammunition and/or dangerous chemicals on College property or while attending a Niagara College Activity. Articles of faith (such as a Kirpan) are not considered weapons and are therefore exempt; and

u) providing false or misleading information, including falsifying documents, impersonation, forging, altering or misusing any college document or record.

6. In situations where there is a potential risk to, and/or threat to the safety of any member of the college community, the SRRO may act unilaterally without a Conduct Meeting, to impose an Interim Measure upon the Respondent(s) which is not considered a finding of Misconduct.

7. When a Complainant comes forward, an investigation may be conducted into the alleged Misconduct by an SRRO. The Respondent will have an opportunity to respond to the
allegations and advise the investigator of any mitigating circumstances prior to the imposition of a Sanction.

8. Niagara College will strive to hold a Conduct Meeting in a timely manner without unreasonable delay, especially in the case where an Interim Measure is imposed.

9. Niagara College may impose a Sanction on a Student found in violation of the Student Code of Conduct, within the principles of Progressive Discipline. A Sanction will take into account the full context and circumstances under which the Misconduct occurred, including severity, the degree to which it was deliberate, the harm caused, and whether the Misconduct was an isolated incident or part of repeated acts.

10. When Niagara College becomes aware of legal proceedings for conduct outside of Niagara College Activities, which may pose a risk to the Niagara College community, a Student may be subject to an Interim Measure. The determination of a Sanction may require the Student to disclose the result of legal proceedings, including conditions and orders related to the offence, and any interaction with law enforcement authorities related to that Misconduct.

11. A Student found to have violated the Student Code of Conduct, may appeal a Sanction through the Student Code of Conduct Appeal procedure.

D. Related Documents

Policies:  
NC500 Sexual Assault-Sexual Violence
NC500 Tobacco, Cannabis & Smoking
NC500 Harassment & Discrimination

Procedures:  
NC800 Student Code of Conduct
NC800 Student Code of Conduct Appeal

E. Document History

<table>
<thead>
<tr>
<th>Date</th>
<th>Approval/Review/Key Change(s)</th>
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<tbody>
<tr>
<td>May 16, 2019</td>
<td>New policy with associated procedures</td>
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