



# COLLEGE OF THE NORTH ATLANTIC

## OPERATIONAL PROCEDURE

### TOPIC: STUDENT CODE OF CONDUCT

<b>Procedure No.</b>	SS-201-PR	<b>Division</b>	Student Services
<b>Supersedes</b>	n/a	<b>Board Policy Ref.</b>	n/a
<b>Related Policies</b>	SS-201	<b>Effective Date</b>	January 6, 2025 (R8)

## PROCEDURE

College of the North Atlantic (CNA) recognizes that many concerns can be resolved without resorting to the formal provisions of the Student Code of Conduct (the Code). The principles underlying the Code are educational and meant to inform students of the impact of their personal conduct. CNA encourages informal resolution of minor incidents by consulting with the parties involved and attempting to mediate a satisfactory resolution (e.g., through the use of an impact statement, notification, facilitated discussion, apology, or other processes or interventions of an educational or remedial nature as necessary). The Code also provides for early intervention regarding conduct that may be of concern, such as implementing non-disciplinary sanctions (e. g., coaching conversation, education, etc.), without involving the formal procedures under the Code.

### 1.0 Definitions

Allegation	A statement of alleged violation concerning student conduct by a complainant seeking recourse under this Code.
Balance of Probabilities	Based on the evidence presented, it is more likely than not that the alleged violation occurred.
CNA	College of the North Atlantic.

College of the North  
Atlantic (CNA)  
Community

A member of the CNA community under the Code which includes, but is not limited to:

- Affiliates: any individual working in collaboration with CNA for a business or academic purpose or an external community member, including all CNA graduates and alumni.
- CNA Board of Governors: individuals forming the governing body of CNA.
- Contractors: any individual or company (and its employees) who provides services to CNA under a service contract (i.e., a non-employee-employer relationship).
- Employees: any individual who is currently employed by CNA or provides services to CNA under an employment contract. This includes all employees, regardless of status, as well as current employees who are on a leave of absence (i.e., paid/unpaid).
- Students: any individual registered in CNA programs or otherwise participating in CNA courses, programs, events, and activities. This includes prospective students and recently accepted student applicants.
- Visitors: any individual visiting CNA property and/or facilities.
- Volunteers: any individual performing work for CNA in an unpaid capacity.
- All others engaged in activities under the auspices of CNA.

Complainant

A person who raises a concern or alleges a violation under the Code.

Head of Campus

A CNA campus/site administrator, including the following positions:

- Senior Campus Director
- Campus Director
- Campus Manager
- Senior Manager Administrative Services
- Manager of Administrative Services
- Another member of the campus administration team that may be delegated Head of Campus

Human Resources Representative	A CNA employee who provides guidance and support to CNA employees who are complainants, bystanders, or witnesses under the Code.
Manager, Student Relations	A person(s) who is appointed by CNA to act in the role as outlined in the Code. The Manager, Student Relations provides guidance and support to student complainants or respondents, and other CNA community members under the Code.
Procedural Fairness	Includes the right to be heard, the right to be treated without bias, the right to be informed of allegations being made and to be provided with an opportunity to respond to them, and the right to information regarding the status of an alleged violation.
Respondent	A student against whom a violation is alleged.
Sanction(s)	Meant to create awareness of the effects of students' personal conduct where the implementation of restrictions, conditions, or disciplinary action which may take place in response to violating the Code. These may be applied by a Head of Campus, or another member designated as Head of Campus, or equivalent designate authorized to do so. Sanctions can be temporary or permanent depending on the nature of the violation of the Code as deemed necessary.
Student	Defined in the Code to include: <ul style="list-style-type: none"><li>• Persons enrolled either full-time or part-time in classes, including when on placements that are part of their academic program;</li><li>• Persons who are enrolled in a program but not currently registered in classes;</li><li>• Persons residing in student residences, who are not employees and who are not otherwise defined as CNA students in this Section;</li><li>• Persons who withdraw from CNA after the alleged conduct, will be considered students for the purpose of a proceeding under the Code when they re-enrol; and</li><li>• Persons who are considered an applicant or prospective student.</li></ul>

Temporary/Interim Measures	Temporary, non-disciplinary adjustments to the living, learning, and working environments of a CNA community member that may be put in place once an alleged violation is brought forward to safeguard the environment of a complainant, respondent, or witness.
Violation	Any act found to be in contravention of the Code.

## 2.0 Violations

The following conduct shall constitute violations under the Code for which a sanction may result:

### 2.1 Violations against CNA community members, which include, but are not limited to:

- Physical violence, or verbal assault and/or harassment or the threat thereof, including taking videos and/or making recordings without consent; [any concerns or complaints that meet the definition of harassment as outlined in the Harassment Policy (PO-005) will normally be dealt with in accordance with the Harassment Policy.];
- Disturbing, disrupting, or otherwise interfering with studies, laboratories, lectures, work, or other activities of fellow students or staff;
- Sexual violence or the threat thereof; [any concerns or complaints that meet the definition of sexual violence as outlined in the Sexual Violence Policy (PO-002) will be dealt with in accordance with the Sexual Violence Policy. The Head of Campus will refer a complaint of sexual violence to the Manager, Student Relations.];
- Creating a condition that unnecessarily endangers the health or safety of other persons;
- Uttering threats;
- Bullying, intimidating, or harassing another person;
- Any conduct that can be reasonably considered hazing or frothing activities. Students shall not organize or engage in any act that endangers, or could reasonably be seen to endanger the mental or physical health or safety of a student, for the purpose of initiation, admission into, affiliation with, or for continued membership in a group or organization; and

- While a college environment is one where freedom of speech is highly valued, students must adhere to provisions of the *Human Rights Act, 2010* and discrimination is prohibited on the following grounds: race, colour, nationality, ethnic origin, social origin, creed, religion, age, disability, disfigurement, sex, sexual orientation, gender identity, gender expression, marital status, family status, source of income, and political opinion. Comments or action based on an individual's association or relationship whether actual or presumed, with an individual or class of individuals identified above is also prohibited.

2.2 Violations involving property, which include, but are not limited to:

- Unauthorized entry or presence on any premises of CNA;
- Taking, destroying, or damaging property that is not their own;
- Defacing any part of CNA property and premises;
- Knowingly possessing stolen property of CNA; and
- Creating a condition that endangers or threatens destruction of the property of CNA or property belonging to CNA community members.

2.3 Violations involving alcohol, which include, but are not limited to:

- Underage drinking;
- Being drunk and disorderly;
- Providing alcohol to minors; and
- Illegal selling or distribution of alcohol.

2.4 Violations involving drugs, which include, but are not limited to :

- Possessing illegal drugs or drug paraphernalia, whether it be for personal use or intent to traffic;
- Distribution or trafficking in prescription drugs; and
- Marijuana consumption in all CNA facilities and residences.

2.5 Violations involving disruption, which include, but are not limited to:

- Counseling, conspiring with, or aiding a person in the commission of a violation defined in the Code;

- Refusing to comply with a sanction or sanctions imposed under the provisions of the Code, or interfering with a process under the Code; and
- Acting, threatening, or otherwise causing a disturbance that obstructs any activity organized by CNA or by any of its faculties, schools, departments or divisions, clubs, societies or resource centres, or the rights of a CNA community member to carry on their legitimate activities, to speak to or associate with others.

CNA community members enjoy the freedom to pursue their intellectual and personal interests without interference. The objectives are the pursuit of learning through scholarship, teaching, and research within a spirit of free enquiry and expression. CNA recognizes academic freedom (which is the right to teach, learn, study, and publish free of threat of reprisal and discrimination) and the right to free speech, creative expression, and peaceful protest, acknowledging that the common good of society depends upon the search for knowledge and its free expression.

The following are not considered “violations” in accordance with this Section:

- Peaceful assemblies, demonstrations, picketing, or other activity outside a class or meeting that does not substantially interfere with the communication inside, or impede access to the meeting or class; and
- Silent or symbolic protest.

However, noise that obstructs the conduct of a meeting or class, or forcibly blocking access to an activity constitutes “disruption” under the Code.

2.6 Other violations include, but are not limited to:

- Unauthorized use and/or abuse of any facility, equipment, or service of CNA;
- Bringing false or malicious charges or allegations against any CNA community member;
- Retaliation against persons for laying an allegation or providing statements under the Code;
- Possession and use of weapons other than those permitted in the Weapons Policy (SS-216); and

- Being charged with an offence under the *Criminal Code*.

### 3.0 Process

3.1 In cases where a complainant is unsure of whether or not there has been a violation of the Code but has a concern about a student (respondent), a referral may be made to the Head of Campus who may then decide to seek advice to develop a strategy or plan to support all parties involved. This plan could include encouraging resolution at the individual, classroom, or campus level, temporary/interim measures, or assistance with following the formal provisions of the Code.

Any matters that concern threats, acts of violence, or the personal safety of CNA community members should be communicated to the Head of Campus or delegate immediately. The Head of Campus may intervene at any point of the process based on information available and make decisions, including sanctions, based on the safety of CNA community members. Sanctions that arise from potential threats, acts of violence, or personal safety can be found below in Section 4.0 Sanctions.

#### 3.2 Alleged Violations:

An allegation may be made against any student or group of students who is/are believed to have committed a violation under the Code. The allegation shall be made within ten (10) business days after the alleged violation occurred. Timelines may be extended at the discretion of the Head of Campus, if satisfied that there is reasonable justification for not having the matter brought forward earlier. The allegation shall be in writing and forwarded to the Head of Campus.

- Under certain circumstances, such as situations involving a potential risk of harm to any person, proceedings under the Code may be initiated by the Head of Campus or designate without a written allegation.
- The Head of Campus or designate may decide upon reviewing the allegation that it does not address conduct that is covered by the Code. In that case, the Head of Campus or designate will notify the complainant, refer the complainant to another division/department as needed, and then close the file.
- The complainant and respondent may have a support person at any stage in the process.

### 3.3 Temporary/Interim Measures:

The Head of Campus or designate may impose temporary/interim measures where the alleged conduct of a student may be considered to constitute a danger to persons or property or to be hindering a CNA community member from enjoying rights or pursuing activities within CNA.

Where temporary/interim measures are required, the Head of Campus or designate will provide written notice to the complainant and/or respondent of any temporary/interim measures within two (2) business days following the imposition. These measures will be put in place, if required, throughout to completion of the resolution and/or formal review process and may be repealed, upheld, or expanded. Such measures should balance the safety of all parties with the requirement of fairness to both the complainant and the respondent.

The student shall be given the opportunity to respond to the imposition of the temporary/interim measure(s), in writing, to the Head of Campus.

Following the response of the student and a formal review of the situation which resulted in the temporary/interim measure the Head of Campus will reassess the temporary/interim measure(s) imposed and revoke, modify, or affirm the measure(s). The Associate Vice President (AVP), Student Services and the Associate Vice President (AVP), Campus Operations will be advised of the decision.

Temporary/interim measures are not determinative of whether or not there has been a violation of the Code. In such circumstances as physical violence and/or threats, the proper authorities (RCMP/RNC) will be contacted if there is a clear violation of the *Criminal Code*, and as such, temporary/interim measures will be put in place until a criminal investigation is completed (e.g., removal from campus for the safety of students and staff).

Temporary/interim measures may include, but are not limited to:

- Removal from Residence:

Where a temporary/interim measure will affect a student's continued stay in a CNA residence or impact the learning environment, the Head of Campus or designate will consult the appropriate division/department before the imposition of such a temporary/interim measure.



- Temporary limitation of access to all or part of the campus or other CNA facilities:

The Head of Campus or designate can impose a temporary limitation of access to all or part of the campus or other CNA facilities, where in their discretion such a temporary limitation to access is required for the safety of CNA community members.

- Other temporary/interim measures may include: class schedule changes, academic accommodations, temporary work location reassignment, work scheduling changes, no contact orders, etc.

### 3.4 Informal Resolution:

3.4.1 The Head of Campus or designate shall contact the respondent and the complainant and attempt to resolve the concern.

3.4.2 Whenever appropriate, informal resolution options can be used to resolve issues of individual conduct. In such circumstances, the Head of Campus may consult with or refer the parties to another division/department such as Manager, Student Relations or Counselling Services, etc., to help facilitate the resolution process and/or to provide supportive services.

3.4.3 Following the selection of an informal resolution option by the complainant, the Head of Campus or designate shall acknowledge the selection of the resolution option in writing to both the complainant and respondent.

3.4.4 Informal resolutions options may include, but are not limited to:

- Impact Statement: The complainant may choose to communicate to the respondent, either in person, through recording, or in writing, to advise that the respondent's conduct is objectionable, unwanted, and unwelcome and that the conduct must stop immediately. The relevant Student Services/Human Resources (HR) representative can support the complainant with this intervention and communication;
- Notification: The relevant Student Services/HR representative directly notifies the respondent, on behalf of the complainant, that their conduct is objectionable, unwanted, and unwelcome and must stop immediately;
- Facilitated Discussion: The complainant may request that the relevant Student Services/HR representative, or another agreed

upon party (e.g., Head of Campus or Executive Member) facilitate a discussion between themselves and the respondent. The representative, or other agreed upon party, will first meet individually with the complainant and respondent to assess readiness and provide information on the process. If appropriate, a facilitated discussion will be scheduled;

- Education: The relevant Student Services/HR representative arranges educational opportunities for the respondent and others, as necessary; and
- Apology: A written or verbal apology from the respondent acknowledging their conduct, the end of the conduct, and any remediation or educational activities that will be completed.

3.4.5 If it is determined that an informal resolution is not possible through the selected informal resolution option; the Head of Campus or designate, shall advise the complainant, in writing, of alternate resolution options under the Code.

3.5 Formal Review (Informal resolution unsuccessful):

- If informal resolution is unsuccessful or inappropriate in the circumstances, the Head of Campus or designate shall proceed to a formal review.
- The review may include an interview of the complainant, respondent, or other persons who may have relevant information.

3.6 Formal Review Decision:

- If the Head of Campus or designate determines that the student has not violated the Code, the Head of Campus or designate shall provide this written decision to the complainant and the respondent and the file will be closed, and any temporary/interim measure(s) that may have been imposed will then be repealed.
- If the Head of Campus or designate determines that the student has violated the Code, Head of Campus or designate, shall provide this written decision to the complainant and the respondent indicating that a sanction is appropriate, then:
  - Any sanction(s) listed in Sections 4.1 to 4.9 may be imposed.

## 4.0 Sanctions

Wherever possible, the principles of progressive discipline will be used when determining sanctions for a particular situation. Sanctions may be used independently or in combination for any single violation. Serious, repeated, and/or multiple violations may increase the severity of the sanctions applied.

### 4.1 Verbal warning:

The sanction is verbal notification that the respondent has violated the Code, and the violation has been formally recognized with a notice in the respondent's file.

### 4.2 Letter of reprimand:

This sanction is written notice that the respondent has violated the Code and has been formally reprimanded.

### 4.3 Fines:

For violations related to student residence a fine may be imposed in line with those stated in the residence handbook. The fine shall form a charge against the respondent's CNA account.

### 4.4 Probation:

A respondent may be placed on probation for a designated period of time from six (6) months up to four (4) years. Any further violations under the Code will be cause for further sanctions, up to and including expulsion.

### 4.5 Restriction of Services:

A respondent may have services restricted for a designated period of time. This may include, but is not limited to, computer privileges, library facilities, and distance education access.

### 4.6 Limitation of Access:

A respondent may be limited in their access to all or part of campus or other CNA facilities for a designated period of time. Limitation of access may include the respondent being prohibited from registration in a particular course or program.

**4.7 Eviction from Residence:**

A respondent may be evicted from residence for a designated or indefinite period of time. Eviction will occur only after consultation with the Head of Campus and the appropriate division/department, or their designate, and the appropriate division/department.

**4.8 Suspension:**

Loss of all academic privileges at, and access to, campuses and other CNA facilities for a specified period of time and/or until imposed conditions are met.

**4.9 Termination:**

A respondent may be terminated from CNA.

**5.0 Appeals**

Appeals can be made through the Student Appeals – Non Academic Policy (SS-203).

**6.0 Records****6.1 Records Retention:**

Records and information will be managed and protected in accordance with the Records and Information Management Policy (PA-603).

Disclosure of information shall be in accordance with the Records and Information Management Policy and the *Access to Information and Protection of Privacy Act, 2015*.

In the event that a request for information is received, information will be released in accordance with the *Access to Information and Protection of Privacy Act, 2015* or as otherwise required by law.

**6.2 Keeping of Records:**

A record must be kept in all cases to document the resolution process and any sanctions imposed as a result of formal review. All records shall be maintained in accordance with the approved records retention and disposal schedule.

6.3 Composition of Records:

The record of cases shall be comprised of any written reports, including multimedia messaging service (MMS) reports, evidence filed, and all decisions.

6.4 Storage of Records:

The appropriate Head of the Campus or designate will be responsible to store the records.

6.5 Use of Records:

Records are linked by the student number and where a student has more than one file CNA may use information from some or all of the files in decision making.

7.0 Review

The Code will be reviewed every two (2) years by a committee of not less than five (5) people appointed by the AVP, Student Services. The committee shall include at least two (2) students. The committee may make recommendations to the CNA Executive for amendments to the Code.

Approval History	
Approved by President	June 20, 1997
Revision 1	April 2, 2007
Revision 2	September 3, 2014
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