



# STUDENT CODE OF CONDUCT POLICY

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## 1.0 POLICY STATEMENT

New Brunswick College of Craft and Design (NBCCD) (“the College”) is a community of students, faculty, and staff, committed to providing a safe environment which is respectful of the rights, responsibilities, well-being, and dignity of all its members.

The Student Code of Conduct (“Code”) reflects the expectation that students will conduct themselves in a manner consistent with generally accepted standards of behaviour. This includes compliance with college regulations and policies, as well as federal, provincial, and municipal laws.

It is the responsibility of all students to be familiar with this policy, and to adhere to the standards of student conduct as outlined in the Colleges’ policies and procedures. The College has a duty to respond to allegations that violate the Student Code of Conduct.

## 2.0 PURPOSE

The purposes of this policy are to:

- define the standard of general conduct expected of students;
- describe the procedure the College will follow when an allegation of student misconduct is made; and
- describe the appeal process and providing an avenue for recourse for informal and formal appeals.

## 3.0 SCOPE

### 3.1 On campus

This policy applies to student conduct, including the conduct of student guests, from the time of admission to a course/program until the student has completed their course(s)/graduated. This Code applies to all conduct which takes place on NBCCD property/premises, as well as to the use of NBCCD telephones, computers, and networks, including email addresses and hosted websites.

### 3.2 Off campus

This Code applies to the conduct of students off campus:

- i. When they are on a course or participating in an organized class activity;
- ii. When they are participating in a College Sanctioned Activity;
- iii. When they are acting as delegates, designated representatives of NBCCD, or as members of an NBCCD group or organization at Sanctioned Activities;
- iv. In circumstances when the potential consequences of the conduct may adversely affect the Complainant's course of learning, teaching, or work at the College, or where the conduct complained of may damage the reputation of the College. This applies to Sanctioned Activities and events that are not Sanctioned Activities.

### 3.3 Other

- i. This Code applies to conduct via telephone, computer, or other electronic devices (e.g., email, social media, etc.);
- ii. Students are expected to be individually responsible for their actions whether acting individually or in a group.

### 3.4 Relationship to Other Proceedings

- i. In cases in which criminal or civil proceedings have been taken, the College may apply interim measures if there is a reasonable basis that any offence under this Code has occurred.

## 4.0 DEFINITIONS

**College** refers to the New Brunswick College of Craft and Design (NBCCD); including both Fredericton and Saint John campuses, online FVA, and Honeybee Folk School programs.

**Complainant** is a person who raises a concern or complaint under this Code.

**Complaints Coordinator** is a person(s) who is appointed by the College to act in the role as outlined in this Code. For the purpose of this policy the Complaints Coordinator is the Student Services Manager (or their designate).

**Cumulative Grade Point Average (CGPA)** refers to the sum of accumulated Grade Point Averages (GPA) over all semesters within a program.

**Expulsion** refers to the permanent removal of a student from the College due to repeated and/or egregious violations of the College's rules.

**Formal Appeal** is the official procedure established by the College to address formal complaints. The formal appeal process is led by the Student Disciplinary Committee. The process involves reviewing the formal complainant, meeting with the complainant and respondent, and making a decision.

**Informal Appeal** is the official procedure established by the College to address informal complaints. This appeal process is a less structured and more flexible process for addressing complaints. An informal appeal may lead to a formal appeal if necessary.

**Mediation** is a process in which an impartial mediator facilitates a collaborative, controlled discussion between a Complainant and Respondent in a setting that is deemed as safe as possible, with the goal of achieving an effective resolution. *Mediation requires consent of both parties and may not be appropriate in all circumstances.*

**Respondent** is a student, staff, or faculty against whom a complaint is made.

**Restorative Justice** emphasizes the role of victims and community members through active involvement in the misconduct process, holding students directly accountable to the people and communities harmed by their conduct and providing a range of opportunities for dialogue, negotiation, and problem solving whenever possible.

**Sanctioned Activity** is an activity that has been formally approved by the College through an administrator authorized to do so.

**Student** is defined in this Code to include as follows:

- i. Persons enrolled in classes at NBCCD, including when on placements/apprenticeship, or as part of an academic program;
- ii. Persons who are enrolled in a program but not currently registered in classes;
- iii. Persons who withdraw from the College after the alleged conduct, will be considered Students for the purpose of a proceeding under this Code should they re-enroll.
- iv. Individual guests who have been invited by a student are the responsibility of the student and required to abide by all policies and procedures while functioning as a member of the college community.

**Student Disciplinary Committee** is a committee comprised of the Complaints Coordinator (Student Services Manager) and Academic Deans, or their designates, established to review complaints and reach disciplinary decisions. The Student Disciplinary Committee may incorporate other parties, such as the College Director or faculty when needed and if appropriate.

## 5.0 PROCESS

### 5.1 Complaints

- A complaint may be made against any Student, group of students, staff, or instructors who is/are believed to have committed an offence under this Code. The complaint shall be made within one year after the alleged offence occurred. The complaint shall be made in writing using the **Student Complaint Form** and forwarded to the Student Services Manager;
- Under certain circumstances, such as situations involving a potential risk of harm to any person, proceedings under this Code may be initiated by the Student Services Manager without a written complaint;
- In cases where a Complainant is unsure of whether or not there has been a breach of this Code, but has a concern about a Student, a referral may be made

to the Student Services Manager who may then decide to seek advice or refer the Student to other available services.

## 5.2 Informal Resolution

The goal of informal resolution is to achieve a resolution that is acceptable to the Complainant and Respondent. Pursuing Informal Resolution does not limit the Complainant or Respondent from invoking other options. In addition, an Informal Resolution is not a pre-requisite to pursuing other options.

- Whenever appropriate, informal resolution through direct communication shall be used to resolve issues of individual behaviour(s).
- If informal resolution is unsuccessful or inappropriate in the circumstances, the Student Services Manager will discuss options with the Complainant.

If direct communication is unsuccessful in addressing the Complainants concerns:

- The Student Services Manager will contact the Respondent and the Complainant and attempt to resolve the complaint to the satisfaction of the parties concerned;
- The Student Services Manager will involve the Student Disciplinary Committee or other individuals as agreed to by the members of the College community involved;
- In reaching a mutually agreeable resolution of the complaint, one or more of the sanctions listed in the Code may be imposed.

## 5.3 Mediation:

- If direct communication is unsuccessful or inappropriate, a Complainant may request mediation to resolve a concern or complaint covered in the Code.
- Within five (5) days, the Respondent will be informed of the Complainant's request that the matter be resolved through Mediation. *The Respondent has the right to decide whether to participate in the proposed Mediation.*
- The Student Services Manager shall advise the Complainant and the Respondent of their right to be accompanied by a member of the Student Services Team as a Student Advocate.

- If both the Complainant and the Respondent consent to mediation, the Student Services Manager is responsible for identifying a mediator, who has appropriate education, training, experience, and suitability.
- Within ten (10) days of receiving a request for mediation, the Student Services Manager shall provide to the mediator a copy of the Complaint and the written response, if any, of the Respondent.
- Within five (5) days, the mediator shall contact the parties to schedule in-person interviews.
- The mediator shall conduct the mediation in a fair and objective manner utilizing reasonable methods in an attempt to facilitate resolution by both parties.
- The Mediator shall not impose a resolution.
- *The Mediation Process* should be completed within twenty (20) business days, or to the best of our ability, of a Mediator being identified.

#### 5.4 Resolution Through Mediation

- If, through the mediation process, a resolution is achieved by the Complainant and Respondent, the mediator shall record the agreed-upon resolution in writing, which shall be signed by the Complainant, the Respondent, and the Mediator.
- Copies of the written resolution shall be presented to each of the parties and the Student Disciplinary Committee.
- The Student Services Manager will follow-up within twenty (20) days, or at an agreed upon date, to review the resolution.
- If the Complainant is satisfied with the outcome the complaint is resolved.

#### 5.5 Lack of Resolution Through Mediation

- If mediation proves not to be productive, either party or the mediator may conclude the process.
- The mediator will notify the Student Services Manager, in writing, within two (2) days that mediation was unsuccessful.

## 5.6 Request for Investigation When Mediation Has Not Resolved the Issue

- Upon conclusion of mediation without resolution, the Student Services Manager will inform the Complainant, in writing, within three (3) days, that they have ten (10) days from the notice being sent from the Student Services Manager to request Formal Resolution.
- If the Complainant does not request Formal Resolution within ten (10) days, the complaint is considered closed.

## 6.0 PROCEDURE FOR FORMAL COMPLAINT

### 6.1 Submitting a Formal Complaint

- A person may submit a formal complaint, in writing, to the Student Services Manager, using the Student Complaint Form.
- Within three (3) days of the date the complaint is submitted, the Student Services Manager shall notify the Student Disciplinary Committee.
- The Student Disciplinary Committee may have a meeting with the Complainant to gather information.

### 6.2 Contacting the Respondent of the Complaint

Where the Respondent is identified, the Student Services Manager shall, within five (5) days of receipt of the Complaint, send to the Respondent:

- Written notice of the Complaint and a request to meet with the Student Disciplinary Committee to gather information;
- Notice that the Respondent may respond in writing to the Student Disciplinary Committee or designate within ten (10) days, and;
- Where applicable, written notice of any interim measures imposed.

### 6.3 Respondent's Right to Respond

- The Respondent may submit a response in writing to the Student Disciplinary Committee within ten (10) days of the Respondent's receipt of the written notice

of complaint. Where the Respondent chooses not to respond or does not respond within ten (10) days, the process of investigation and disposition of a Complaint under these Procedures shall continue in the absence of such participation by the Respondent.

- The Respondent must attend any information-gathering meetings requested by the Student Disciplinary Committee, whether they choose to submit a response in writing or not.

#### **6.4 Meeting with the Student Disciplinary Committee**

The Respondent will meet with the Student Disciplinary Committee to review the complaint and provide additional information. The Respondent has the right to request a Student Advocate, typically the Learning Strategist, a member of the Student Services team, or a College representative such as an Instructor.

- The Respondent has five (5) days after meeting with the Student Disciplinary Committee to provide additional information.
- The Student Disciplinary Committee may reach out to other members of the College community to gather information, such as Instructors.
- If the Respondent confirms the allegation(s) as outlined in the Complaint, the Student Disciplinary Committee, or designate may proceed immediately to consider and impose sanctions.

#### **6.5 Decision of the Student Disciplinary Committee**

- If the Student Disciplinary Committee decides that the Student has not violated the Code, the Student Services Manager shall provide their written decision to the Complainant and the Respondent, and the file will be closed. Any interim measures that may have been imposed will then be repealed.
- If the Student Disciplinary Committee decides that the Student has violated the Code, the Student Services Manager shall provide their written decision to the Complainant and the Respondent. If the Committee decides that a sanction is appropriate, then:
  - i. They may impose a sanction per Section 7.0 of this Code. The Respondent may appeal such a sanction pursuant to Section 8.0 of this Code.



- ii. The Student Disciplinary Committee may recommend the sanction(s) listed (f) and (g) to the Academic Dean or designate (suspension or expulsion).

## 6.6 Withdrawing of Complaint

A Complaint is considered withdrawn when:

- i. The Complainant withdraws the Complaint at any stage of the process, by informing the Student Services Manager.
- ii. The Complainant chooses not to participate in the complaint process.

## 6.7 Interim Measures

The Student Disciplinary Committee may impose interim measures, where the alleged behaviour of a student may be considered to constitute a danger to persons or property, hinder a member of the College from enjoying rights, or from pursuing activities within the College. These measures will be put in place if required, pending a finding of a violation of this Code, and may be repealed, upheld, or expanded after a finding has been made. *Such measures should balance the safety of the Complainant with the requirement of fairness to both the Complainant and the Respondent.*

- **Interim Measures are not determinative of whether there has been a breach of this Code.**
- Interim measures may include limitation of access to all or part of the College. The Student Disciplinary Committee may impose a temporary limitation of access to all, or part of the campus, where in their discretion such a temporary limitation to access is required for the wellbeing of students or the College community.

## 6.8 Provision of Reasons

Within three (3) days following the decision of any interim measure, the Respondent shall be informed in writing of the reasons for the interim measure(s). The Respondent shall be given the opportunity to respond to the interim measure(s), in writing, within ten (10) days, to the Student Disciplinary Committee. Following the response of the

Respondent, the Student Disciplinary Committee, will reassess the interim measure(s) imposed and either revoke or affirm the measure(s).

## 7.0 SANCTIONS/RESOLUTIONS

Wherever possible, the principles of Restorative Justice should be used in determining the approach to resolving a particular situation. Sanctions may be used independently or in combination for any single offence. Repeated and/or multiple violations may increase the severity of sanctions applied.

- Restorative Justice:
  - i. The Respondent may be required to complete specific activities as deemed appropriate. These may include, but are not limited to, service to the College or community, participation in educational seminars, written assignments, restitution and/or written or verbal apologies.
- Letter of reprimand:
  - i. This sanction is written notice that the Respondent has violated the Code and has been formally reprimanded. Repeat offences may result in more severe sanctions.
- Probation:
  - i. A student may be placed on non-academic probation for a designated period of time to be determined by the Student Disciplinary Committee. Any further offences under the Code will be cause for further sanctions, up to and including expulsion.
- Loss of privileges:
  - i. A Respondent may lose privileges for a designated period of time. This may include, but is not limited to, studio privileges, campus facilities, and external college activities.
- Limitation of Access:
  - i. A Respondent may be limited in their access to all or part of the College premises for a designated period of time. *Limitation of access may include the Respondent being prohibited from registration in a particular course or program.*

- Suspension:
  - i. A Loss of all academic privileges at the College for a specified period of time and/or until imposed conditions are met. The period of suspension shall not exceed one academic year. The Respondent will be eligible to return after this time but may be required to fulfill specified conditions upon return.
  
- Expulsion:
  - i. A Respondent may be expelled from the College.

## 8.0 APPEALS

A Student who has received a sanction from the Student Disciplinary Committee shall have the right to appeal the sanction. The Respondent shall have five (5) days from the day the sanction is emailed to provide written grounds on why the sanction imposed by should be reconsidered.

The Respondent is entitled to a meeting with the Student Disciplinary Committee, but the appeal must be in writing.

Appeals to sanctions will be addressed by the College Director, or designate, within five (5) days from receipt of a written appeal by the Respondent. The decision will either confirm, or overturn the sanction imposed, and in the case of overturning the sanction, may substitute their own decision on sanctions.

- i. If the College Director or designate decides suspension or expulsion is appropriate, they will advise the Student Disciplinary Committee.

## 9.0 RECORDS

### 9.1 Keeping of Records

- A Record must be kept in all cases that have been the subject of an investigation/appeal, for which the result has been the imposition of a sanction. All such records shall be maintained for a minimum period of five (5) years and stored digitally.

## 9.2 Storage of Records

- The records shall be stored digitally.

## 9.3 Use of Records:

- Records of previous sanctions may be taken into account in imposing a sanction.

## 10.0 STUDENT CONDUCT

Students are expected to:

- i. Conduct themselves in a manner that is consistent with the core values embraced by the College community as reflected in its mission values, and [Inclusive Community statements](#), as well as the New Brunswick Human Rights Act's various codes and policies.
- ii. Operate in a climate of collaboration and respectfulness towards others, and of established rules and regulations.
- iii. Attend their program and program activities regularly and on time.
- iv. Complete assignments, projects, and other learning activities on time.
- v. Ensure that their conduct contributes to a productive learning environment.
- vi. Assume responsibility for the maintenance of NBCCD equipment assigned to their care.
- vii. Use technology resources at NBCCD campuses in a responsible, ethical, and legal manner.
- viii. Adhere to all student related policies.
- ix. Be aware of the criteria for successful completion of each course in which they are enrolled, as stated in the course outline.
- x. Communicate with their Instructors and/or Studio Coordinators regarding needs, concerns, or issues that may impact their success.
- xi. Observe and adhere to all safety policies. This includes the use of safety equipment, materials and clothing as mandated by the College and occupational health & safety policies.

## 11.0 OFFENCES UNDER THIS CODE

The following shall constitute offences under this Code for which a sanction may result:

- i. Offences against persons, which include:
  - Physical, or verbal assault and/or harassment or the threat thereof;
  - Sexual harassment and/or sexual assault, or the threat thereof as defined in NBCCD's Anti-Harassment Policy;
  - Creating a condition that unnecessarily endangers the wellbeing, health, or safety of other persons;
  - Uttering threats;
  - Bullying, intimidating or harassing another person;
  - Any conduct that can be reasonably considered 'hazing' or 'initiation' activities.

While a college environment is one where freedom of speech is highly valued, students must adhere to provisions of the *New Brunswick Human Rights Act* and discrimination is prohibited on the following grounds:

- Race
- Colour
- National origin
- Ancestry
- Place of origin
- Creed or religion
- Age
- Physical disability
- Mental disability
- Marital status
- Family Status
- Sex (including pregnancy)
- Sexual orientation
- Gender identity or expression
- Social condition, which includes source of income, level of education and occupation
- Political belief or activity

*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.*

- ii. Offences involving property, which include:
  - Unauthorized entry or presence on any premises of the College, including afterhours;
  - Taking, destroying, or damaging property that is not their own;
  - Defacing any part of the College premises;
  - Knowingly possessing stolen property;
  - Creating a condition that endangers or threatens property of the College or of any of the members of the College community.
  
- iii. Offences involving substance use, which include:
  - Intoxication
  - Possessing alcohol and/or cannabinoids and/or illicit substance(s) while on college grounds, or while representing the College, whether it be for personal use or not;
  - Distribution of drugs, including prescription drugs.
  
- iv. Offences involving disruption, which include:
  - Counselling, conspiring with, or aiding a person in the commission of an offence defined in this Code;
  - Refusing to comply with a sanction(s) imposed under the provisions of this Code, or interfering with a process under this Code;
  - Acting, threatening, or otherwise causing a disturbance that obstructs any activity organized by the College or by any of its studios or classes, clubs, or societies, or the rights of a member of the College community to carry out their legitimate activities, to speak to or associate with others.
  
- v. Other offences include:
  - Unauthorized use of any facility, equipment or service of the College;
  - Bringing false or malicious charges or complaints against any member of the College community;
  - Retaliation against persons for laying a complaint or providing statements under this Code;

- Fraudulent activity;
- Possession and use of weapons;
- Illegal gambling.

Students and members of the NBCCD community enjoy the freedom to pursue their intellectual and personal interests without interference. The College recognizes academic freedom and the right to free speech, creative expression, and peaceful protest.

## 12.0 RELATED POLICIES

- Student Attendance and Participation Policy
- Anti-Harassment Policy
- Service Animals Policy
- Accommodations Policy
- Academic Code of Conduct Policy

## 13.0 POLICY CUSTODIAN

Camila Vásquez, Student Services Manager, [camila.vasquez@gnb.ca](mailto:camila.vasquez@gnb.ca)