



Category	Student Services and Support
Approval Body	Academic Council
Policy Sponsor	Provost and VP Academic
Policy Administrators	Dean, Student Affairs Registrar
Effective Date	April 17, 2020

Student Rights and Code of Conduct Policy

Purpose

The purpose of this policy is to define Students' rights and responsibilities and to provide procedures for investigations into alleged Student Misconduct, whether academic or non-academic, and for appeals of investigation findings and other decisions. Students have other rights and responsibilities as described by other College policies, the academic calendar, and College residence agreements.

Scope and Limits

This policy applies to all Students. It applies to Misconduct which is reported to have been committed by a Student on campus (i.e. on any land or premises owned or rented by the College), off campus (if committed during a College-sanctioned activity or using property owned or operated by the College), or in an online College learning environment. Members of the College Community are expected to report Misconduct to the appropriate Investigator.

Important cross-references and explanatory notes:

- health and safety incidents – The processes outlined in the Health and Safety Policy and this policy are independent of each other and may occur in tandem if a health and safety incident is being investigated as a case of Non-Academic Misconduct. A breach of the Health and Safety Policy is also a breach of this policy.
- sexual Misconduct – The Sexual Misconduct Prevention and Response Policy takes precedence over this policy. A sanction imposed under that policy cannot be appealed under this policy, as the Sexual Misconduct Prevention and Response Policy has its own appeal mechanism.
- conduct in College residence – This policy applies to conduct in residence, except to sanctions which are specific to residence (e.g. behaviour notices, limits on residence rights and privileges, and evictions) and investigations conducted by Residence staff other than the Manager Residence, Student Life and Conduct.
- research Misconduct – Research Misconduct allegedly committed by a Student engaged in research through coursework is governed by this policy. Research Misconduct allegedly committed by a Student engaged in research other than through coursework (e.g. as a research assistant) is governed by Appendix B of the Applied Research and Scholarship Policy.

Definitions

Academic Misconduct means any action or attempted action that could compromise the proper assessment of a Student's academic activities. For greater certainty, work-integrated learning activities are considered academic activities. Academic Misconduct includes cheating, contract cheating, fabrication, falsification, impersonation, improper collaboration, plagiarism, offering unauthorized assistance to another Student, failing to comply with established exam protocols, and assisting another student in the commission of Academic Misconduct. *Refer to the Student Rights and Code of Conduct Guide for examples.*

Accommodation means a measure taken to allow an individual to participate fully in their work or learning activities and may include a leave of absence, modification to the method of teaching, evaluating or supporting a Student.

CLC Member means a member of the College Leadership Council.

Employee means any person on the payroll of the College.

Fit means being mentally and physically able to perform one's duties and meaningfully participate in learning activities without endangering property or the safety of any person, including oneself.

Fitness means the degree to which a person is Fit.

Investigator means the person responsible for conducting an investigation into alleged Misconduct. Unless the Provost and Vice President Academic appoints an external Investigator, the associate dean of a Student's program is the Investigator for allegations of Academic Misconduct, and the Manager Residence, Student Life and Conduct or the Emergency Manager and Conduct Officer is the Investigator for allegations of Non-Academic Misconduct. However, if the Manager Residence, Student Life and Conduct or the Emergency Manager and Conduct Officer is unavailable, the Dean Student Affairs is the Investigator for allegations of Non-Academic Misconduct.

Member of the College Community includes a Governor of the College Board of Governors, an Employee, a dependent or independent contractor, subcontractor or authorized agent of the College, a Student, and a volunteer for a College-sanctioned activity.

Misconduct means Academic Misconduct or Non-Academic Misconduct.

Non-Academic Misconduct means any action or attempted action, other than Academic Misconduct, that breaches a College policy or procedure, a municipal, provincial or federal law, or a policy or procedure of a work-integrated learning agency where the Student is placed. Making an allegation of Misconduct by another Student in bad faith or knowing the allegation to be false constitutes Non-Academic Misconduct. *Refer to the Student Rights and Code of Conduct Guide for examples.*

Student means any person enrolled in a course at or through the College, excluding Corporate and Continuing Education students.

Student Appeals Committee means the *ad hoc* committee which is constituted from time to time to hear appeals of findings of Student Misconduct, whether academic or non-academic, and appeals by Students from the process in Appendix A to this policy.

Threat Assessment Team means the group of Employees that is authorized by College leadership to assess and respond to concerning behaviours exhibited by Members of the College Community, as further outlined in the Threat Assessment Team's terms of reference.

Work Integrated Learning (WIL) is a form of experiential education that integrates a student's academic studies with quality experiences within a workplace or practice setting. It's a partnership between the college, the learner, and an employer where reciprocity exists between the learner and the employer and/or agency. It provides students with real-world hands-on experience where they make connections between theory that they learn in the classroom and what happens on the job.

Policy Statements

Students have the responsibility to be familiar with and to follow all laws and College policies and procedures that apply to them, to follow the lawful directions of Employees, to respect others' rights, and to not commit Misconduct. Students are expected to report breaches of this policy to their instructor.

Students have the right and the responsibility to communicate with appropriate Employees to attempt to resolve issues or disputes that concern them. Students have the right to a just and equitable appeal process as set out in Appendix C to this policy, and the responsibility to cooperate with any efforts to investigate or resolve issues or disputes.

Students have the right to be treated with dignity and respect by Members of the College Community, and the responsibility to treat Members of the College Community with dignity and respect.

Students have the right to a learning environment that respects freedom of expression and the advancement of human rights, and that is free from discrimination, harassment, intimidation, violence, sexual Misconduct, vulgarity, and disruptive behaviour. Students have the responsibility to contribute to such a learning environment.

Students have the right to a safe and healthy learning environment. Students have the responsibility to:

- take responsibility for their own health and safety by familiarizing themselves with the College's Health and Safety Policy and the College resources available to them;

- be Fit when learning at or through the College or representing the College and to be mindful of their own Fitness and surroundings, and;

- respect College property, equipment, materials, and information technology, and to use them appropriately.

Students have the right and the responsibility to seek accommodations for disabilities in accordance with the *Alberta Human Rights Act* and College policy.

Students have the right to receive clear communication about their tuition and fees. Students have the right to receive a course outline explaining how they will be evaluated in a course in which they are registered, and to be evaluated objectively.

Students have the right to the reasonable assurance:

that changes to an academic program will not extend the time it takes to complete that program beyond the timeline specified when the Student enrolled;

that a decision by the College to discontinue an academic program will not prevent Students from completing their program; and

that changes to course schedules as stated in the academic timetable at the time of registration will only occur in extenuating circumstances.

Students are expected to take responsibility for their own educational success by familiarizing themselves with College policies, procedures, course requirements, program requirements, and the academic calendar for their program year; monitoring their College email; accessing the College's learning management system; and taking advantage of College resources and Student services.

Students have the responsibility to follow copyright laws and respect others' intellectual property. Students have rights in their own intellectual property unless they choose to assign or license those rights to someone else.

Students have the right to access their personal information, and request corrections to their personal information, that is in the custody or under the control of the College, subject to Alberta's *Freedom of Information and Protection of Privacy Act*, and to have their personal information managed in accordance with the Act.

Policy Supports

Appendix A: Student-Initiated Dispute Resolution Procedures

Appendix B: Student Investigation Procedures

Appendix C: Student Appeal Procedures

Policy Standard Operating Procedures (SOPs)

Fit to Learn

Legislated References

Alberta Human Rights Act

Freedom of Information and Protection of Privacy Act (Alberta)

Other References

Appeal Form

Student Rights and Code of Conduct Guide

Related Lethbridge College Policies

Academic Accommodation for Students with Disabilities Policy

Academic Freedom Policy

Admissions Policy

Alcohol, Tobacco, and Cannabis Policy
Applied Research and Scholarship Policy
Assessment Policy
Copyright Policy
Course Outline Standards Policy
Grading Policy
Health and Safety Policy
Information Technology Security Policy
Intellectual Property Policy
Sexual Misconduct Prevention and Response Policy
Student Fees Policy
Use of Information Technology Resources Policy

Related Board of Governors Policies

EL-1: Treatment of Students
EL-10: Access to Education



Category	Student Services and Support
Parent Policy	Student Rights and Code of Conduct
Approval Body	Academic Council
Policy Sponsor	Provost and VP Academic
Policy Administrators	Dean, Student Affairs
	Registrar
Effective Date	April 17, 2020
Appendix	A

Student-Initiated Dispute Resolution Procedures

NOTE: Refer to the parent policy for definitions.

A: Student-initiated dispute resolution procedures

1. If a Student has a dispute relating to an assignment grade (but not the final grade for a course), the Student should discuss the issue with their instructor, followed by the program chair or associate dean for the course, and lastly the dean for the course if the Student has not achieved a satisfactory resolution to their dispute at an earlier stage in the process.
2. If a Student has a dispute relating to the final grade for a course, the Student should refer to the Grading Policy.
3. If a Student has a dispute involving an instructor but not relating to grades, the Student should discuss the issue with their instructor or, if the Student is not comfortable doing so, with the instructor's program chair or associate dean, followed by the instructor's dean if the Student has not achieved a satisfactory resolution to their dispute at an earlier stage in the process.
4. If a Student has a dispute relating to the services provided by a College department, the Student should discuss the issue with the relevant service area manager, followed by the service area director if the Student has not achieved a satisfactory resolution to their dispute at an earlier stage in the process.



Category	Student Services and Support
Parent Policy	Student Rights and Code of Conduct
Approval Body	Academic Council
Policy Sponsor	Provost and VP Academic
Policy Administrators	Dean, Student Affairs
	Registrar
Effective Date	April 17, 2020
Appendix	B

Student Investigation Procedures

NOTE: Refer to the parent policy for definitions.

A: General principles

1. Nothing in this Appendix B limits the College's ability to act on its legal and contractual rights and responsibilities. A Student's withdrawal from a course in which they are alleged to have committed Academic Misconduct does not prevent an investigation under this Appendix B from proceeding. If the allegation is founded, the Registrar may reverse the Student's withdrawn status.
2. Investigations are to be conducted efficiently, with discretion, and in accordance with the principles of natural justice and procedural fairness. The steps taken during an investigation, evidence gathered, and meetings held by the Investigator should be documented and held by the Investigator until the Student's appeal period in Appendix C has passed.
3. An Investigator may discuss the investigation with other Employees who need to know, either because of their involvement in the subject matter of the investigation or because of their subject-matter expertise. The details of an investigation should not be shared with anyone who does not need to know them.

Interim measures

4. Pending the conclusion of an investigation, the associate dean or Manager Residence, Student Life and Conduct may impose interim measures to preserve an individual's wellbeing and access to educational opportunities, provided that such measures do not negatively impact another individual's rights. If the Manager Residence, Student Life and Conduct is unavailable to impose sanctions, the Dean Student Affairs may do so in their stead. Only the Threat Assessment Team may impose interim measures that negatively impact another individual's rights, and only in order to eliminate a reasonably-foreseeable and immediate risk to person or property.

5. Any interim measure must be designed so as to be minimally intrusive. Because an interim measure is, by definition, implemented before an investigation is concluded, it is understood that an interim measure is not a sanction or attempt to stigmatize an individual.

B: Investigation procedures

1. Upon becoming aware of a potential incident of Misconduct involving a Student, a person must refer the matter to the appropriate Investigator. Unless the report is clearly without merit, the Investigator must ensure that an investigation is conducted into the allegation, having regard to all relevant evidence, and the Investigator must determine on a balance of probabilities whether the allegation is founded.
2. If the Provost and Vice President Academic considers it appropriate, the Provost and Vice President Academic may appoint an external Investigator who is not an Employee to conduct the investigation. An external Investigator may recommend sanctions but has no authority to impose them.
3. If an Investigator determines on a balance of probabilities that a Student committed Misconduct, the Investigator may impose sanctions or, if the Investigator does not have the authority to impose the sanctions they believe are appropriate, refer the matter to the person with the authority to impose the recommended sanctions. That person may impose the recommended sanctions, different sanctions, or no sanction as the person sees fit.

C: Sanctions

1. A sanction may not be imposed on a Student unless:
 - a) the Student was given written notice of the allegation;
 - b) the Student was given a reasonable opportunity to respond to the allegation and evidence against them, including by providing their own evidence; and
 - c) at or before the time that the sanction is imposed, the Student is given a written summary of why the Investigator concluded the allegation was founded, what sanction is to be imposed, and why the particular sanction was chosen, together with a copy of or link to this policy. This report must be provided to the dean (for Academic Misconduct), the Manager Residence, Student Life and Conduct (for Non-Academic Misconduct), and the Registrar (for sanctions which are to be recorded in a Student's academic record). The College's records-retention schedule applies.
2. A person may impose sanctions on a Student who is found to have committed Misconduct, in regard to any relevant factor, such as:
 - a) the severity of the offence;
 - b) the number and nature of the Student's previous offences (this information may be obtained from the dean, the Registrar, and the Manager Residence, Student Life and Conduct), provided that past findings of Academic Misconduct shall not be considered when imposing sanctions for Non-Academic Misconduct, or vice versa;

- c) the impact of the offence on health and safety;
- d) the impact of the offence on the College learning or working environment; and
- e) the terms of any existing contract between the Student and the College.

A flowchart of the Sanctions process can be found in page 6 of the [Non-Academic Misconduct Guidebook for Staff](#).



Category	Student Services and Support
Parent Policy	Student Rights and Code of Conduct
Approval Body	Academic Council
Policy Sponsor	Provost and VP Academic
Policy Administrators	Dean, Student Affairs
	Registrar
Effective Date	December 1, 2022
Appendix	C

Student Appeal Procedures

NOTE: Refer to the parent policy for definitions.

A: General principles

1. Nothing in this Appendix C limits the College’s ability to act on its legal and contractual rights and responsibilities.
2. Appeals are to be conducted efficiently, with discretion, and in accordance with the principles of natural justice and procedural fairness.
3. Decisions made and sanctions imposed under Appendix A and Appendix B remain in effect pending the outcome of an appeal.
4. Notices and other communications in connection with an appeal are to be sent to individuals’ College email addresses.
5. Any concerns with the composition of the Student Appeal Committee or the date, time or location of an appeal hearing are to be brought to the attention of the Registrar in writing as soon as practicable. The Registrar has the discretion to strike a different Student Appeal Committee panel and to reschedule the date, time, and location of an appeal hearing.
6. For an appeal from a decision in which the Registrar was involved, the Dean Student Affairs shall have the rights and responsibilities of the Registrar in this Appendix C instead of the Registrar, but appeal records are still to be retained by the Registrar.
7. A Student may withdraw an appeal at any time up to and including the business day before a hearing is scheduled.
8. Decisions of the Student Appeal Committee are final and cannot be re-appealed.

B: The Student Appeal Committee

1. For each appeal that proceeds to an appeal hearing, the Registrar shall strike a panel of the Student Appeal Committee consisting of the following four individuals who shall together constitute quorum, and the Registrar shall designate the associate dean, dean or CLC Member as the chair:
 - a) a faculty representative who is nominated by the faculty association according to its bylaws and is in good standing with the faculty association (subject to section 2);
 - b) a Student representative who is nominated by the students' association according to its bylaws and is in good standing with the students' association (subject to section 2);
 - c) an associate dean or dean;
 - d) a CLC member, who may also be an associate dean or dean; and
 - e) an independent third-party member when a Student is appealing the outcome of a Gender-Based and Sexual Violence complaint.
2. The Registrar, the Investigator (for Misconduct appeals), anyone involved in making the decision or imposing the sanction under appeal, and anyone with an actual or reasonably-perceived conflict of interest cannot sit on a panel of the Student Appeal Committee. If none of the faculty or Student representatives nominated by the faculty association or the students' association (as the case may be) is available and qualified to sit on the panel according to this section and section 1, the Registrar may choose any other faculty or Student representative who is available and qualified to sit on the panel.
3. The Student Appeal Committee shall make decisions by majority vote. The chair cannot vote.
4. The Student Appeal Committee shall apply the balance of probabilities to the matters before it. The Student Appeal Committee may dispose of an appeal by:
 - a) determining that it does not have jurisdiction over the appeal;
 - b) allowing the appeal (overturning the decision or sanction);
 - c) allowing the appeal in part (substituting its own decision or sanction); or
 - d) denying the appeal (upholding the decision or sanction).
5. Appeal hearings shall normally be closed to the public and not be recorded. The Student Appeal Committee shall deliberate in private.
6. The order of proceedings at an appeal hearing shall normally be as follows: submissions by the appellant and the appellant's witnesses; submissions from the person who made the decision or imposed the sanction (i.e. the respondent) and the respondent's witnesses; rebuttal by the appellant; rebuttal by the respondent.

7. The Student Appeal Committee may ask questions of any party or witness at any time. Parties and witnesses shall direct any questions to the chair, not to other parties or witnesses. A Student may have another individual (such as a parent or legal guardian, but not legal counsel) present to provide emotional support, advice, guidance or information during proceedings; however, the individual may not address the Student Appeal Committee directly.

C: Appeal procedures

1. A Student may only appeal a decision made or sanction imposed under this policy and not any other policy unless that other policy expressly states that an appeal may be made to the Student Appeal Committee. Permissible grounds of appeal are limited to the following:
 - a) the person who made the decision or imposed the sanction lacked the authority to do so;
 - b) the process followed by the person who made the decision or imposed the sanction was procedurally unfair; or
 - c) the decision made or sanction imposed is unreasonable.
2. A Student may appeal a decision or sanction by submitting an Appeal Form to the Registrar within five business days of receiving notice of the decision or sanction. If another College policy provides for a right of appeal to the Student Appeal Committee and prescribes a different appeal deadline, that appeal deadline applies.
3. An Appeal Form must include the following information:
 - a) the Student's name, Student number, academic program, and College email address;
 - b) documentation of the decision or notice of the sanction;
 - c) all correspondence between the Student and the person who made the decision or imposed the sanction;
 - d) the ground or grounds of appeal;
 - e) evidence to support the ground or grounds of appeal;
 - f) the Student's desired outcome;
 - g) the names of any witnesses whom the Student intends to present at the appeal hearing;
 - h) any accommodations requested for the appeal hearing, with reasons for the request; and
 - i) a signed statement that the contents of the Appeal Form and all accompanying documentation are true, accurate, and complete.
4. Upon receiving an Appeal Form, the Registrar must disallow the appeal if:
 - a) the decision or sanction does not directly affect the Student making the appeal;

- b) the Student has not completed the Appeal Form;
 - c) the Student missed the appeal deadline;
 - d) the Student has not identified a decision or sanction which can be appealed under this policy;
 - e) the Student has not identified a permissible ground of appeal (see section 1);
 - f) the Student has provided no evidence and has listed no witnesses (it is not the Registrar's role to evaluate the quality of the evidence or witnesses); or
 - g) the Student has exhausted their right to appeal.
5. If the Registrar disallows an appeal, the Registrar shall provide written notice to the appellant and the person who made the decision or imposed the sanction, within 10 business days of receiving the Appeal Form. The notice must explain why the appeal was disallowed.
 6. If the Registrar allows an appeal, the Registrar shall provide written notice to the appellant, the person who made the decision or imposed the sanction, and the Student Appeal Committee panel, within 10 business days of receiving the Appeal Form. The notice must include the Appeal Form, all accompanying documentation, the names and roles of the panel members, and the date, time, and location of the appeal hearing. The parties are responsible for communicating the notice to their witnesses, if any.
 7. The date of the appeal hearing must be at least 10 business days, but no more than 15 business days except in extenuating circumstances, after the date on which notice is sent.
 8. Within five business days of a notice described in section 6 being sent, the person who made the decision or imposed the sanction must provide the Registrar with a written response to the appeal. The response must include:
 - a) any relevant evidence;
 - b) the names of any witnesses whom the person intends to present at the appeal hearing;
 - c) any accommodations requested for the appeal hearing, with reasons for the request; and
 - d) a signed statement that the contents of the person's response and all accompanying documentation are true, accurate, and complete.
 9. The Registrar shall circulate the respondent's submissions to the appellant and the Student Appeal Committee panel prior to the appeal hearing.
 10. Within 10 business days of an appeal hearing, the Student Appeal Committee panel shall provide its written decision, with reasons, to the Registrar, who shall circulate it to the Student, the person who made the initial decision or imposed the initial sanction, and others who need to know. The Registrar shall keep decisions, Appeal Forms, and accompanying documentation in accordance with the College's records-retention schedule.