

CANADORE COLLEGE
OPERATIONAL POLICY MANUAL

**TITLE: Student Support and Intervention: Non-Academic
Involuntary Withdrawal**

EFFECTIVE DATE: February 10, 2014

1. SCOPE

1.1 Authority

This policy is issued under the authority of the President.

1.2 Application

This policy applies to all Canadore College students.

2. PURPOSE AND PRINCIPLES

2.1 Canadore College of Applied Arts and Technology (hereafter referred to as “the College”), is committed to providing a positive and safe learning environment.

2.2 The College has the right and responsibility to address the behaviour of a student-of-concern in order to ensure the student is fit for academic and campus life and/or to protect that student and/or other members of the College or local community from risks or significant impact posed by their behaviour, whether or not a violation under the *Safe College Community Policy* has occurred.

2.3 Definitions:

Student-of-concern: any student whose physical or psychological condition is such that they may be or have become a risk or threat to themselves, others, the educational process or the Canadore community in general.

3. POLICY

3.1 When the behaviour of a student gives rise to a threat or risk of harm to the student (himself or herself) or to others, poses significant threat or risk to property, causes significant disruption to or interference with the educational process, interferes with the lawful and proper activities or functions of the College, its staff and/or members of the campus community, or suggests that the student is unable to engage in the basic required activities to obtain an education, the College responds in the manner deemed appropriate to the situation.

3.2 A student has a right to procedural fairness. Any time there is an impact on a student’s status at the College, based on concerns that are brought forward as a result of this process, procedural fairness will include:

- the right to be made aware of and given an opportunity to respond to, correct or contradict information available, in person and/or in writing;
 - the right to have a decision reviewed based on the conditions outlined in the Decision Review for Non-Academic Involuntary Withdrawal Procedures;
 - and
 - the right to request an advisor or support person be present at any meeting, if desired.
- 3.3 This process will make every reasonable effort to involve and support the student in order to enable him/her to continue his/her studies.
- 3.4 If a student refuses or is unable to manage identified physical or psychological health conditions or to cooperate with the College's reasonable efforts to evaluate health conditions, the student may be involuntarily withdrawn from the College.
- 3.5 The College acknowledges that it has a duty to accommodate a student with a learning, psychological or physical disability, in accordance with provincial law and College policy. Accommodation of students with disabilities should be made in accordance with the following principles: respect for dignity, individualized accommodation, and inclusion and full participation. The College acknowledges its duty to accommodate up to the point of undue hardship, and does so while recognizing its obligation to protect the health and safety of individuals and the College community. The student seeking accommodation has a corresponding responsibility to make full disclosure of their disability and to cooperate with the College in making appropriate accommodation for them, including advising College officials of the need for accommodation, cooperating with College officials in the accommodation process and providing medical or other requested information relating to the disability and the required accommodation.

4. ROLES AND RESPONSIBILITIES

4.1 President

The President is responsible for the overall management and operation of the College. The President will ensure the policy is implemented and that compliance is monitored.

- 4.2 If an employee or stakeholder of the College identifies a student-of-concern, the individual will alert security in cases of imminent threat and proceed with notifying the Co-Chairs of the Student Support and Intervention Team.

4.3 Student Support and Intervention Team (SSIT)

The SSIT is to provide a coordinated response and support to the student-of-concern. The role and composition of the Student Support and Intervention team is outlined in *Appendix A*.

- 4.4 Vice President, Student Services
The decision to involuntarily withdraw a student for non-academic reasons will be made by the Vice President, Student Services, on the recommendation of the SSIT. Authority for communicating this decision can be delegated to the Director, Student Services, or Director, First Peoples' Centre.
- 4.5 The College may impose interim measures while a review of the student's case is ongoing and an appropriate response is being formulated. Interim measures may include preventing or limiting a student from being on-campus or participating in College-related activities.
- 4.6 The College provides the response appropriate to address the situation. Responses include, but are not limited to:
- an offer of appropriate support or referral; and/or
 - a support agreement; and/or
 - a behaviour contract; and/or
 - referral of the case through the Canadore College Respectful College Community Procedure
 - Immediate interim measures, including interim suspension or interim restrictions on the student's access to campus or participation in academic or campus life.
 - Voluntary withdrawal, which allows for a student and support person to be actively involved in setting the terms of withdrawal and return. Where possible, this option will be provided to the student before an Involuntary Withdrawal is initiated.
 - Involuntary withdrawal: In some circumstances, withdrawing a student may be the most effective and appropriate course of action to address the situation.
- 4.7 Prior to requiring involuntary withdrawal the institution will make every reasonable effort to support the student to enable him/her to continue his/her studies.
- 4.8 If a student is being withdrawn, the College will notify the student of its decision in writing. If applicable, this will include the earliest date by which the student may apply for re-admission, the process for applying for re-admission, and any conditions for re-admission, and/or on-going conditions if re-admitted. Such conditions may include but are not limited to a medical, psychological or psychiatric report confirming fitness to participate in academic and campus life, in addition to evidence supporting that any other conditions imposed have been fulfilled. The College acknowledges that each situation will be determined on an individual basis, and any additional conditions (including but not limited to a behavioural contract, wellness agreement and/or requirement to meet with specific College staff), will be communicated to the student in question.
- 4.9 In circumstances where a student residing in a Canadore College Residence is deemed to be a risk or threat to herself/himself or other students, the Director of Student Services in conjunction with the Residence General Manager, may

impose, as an interim measure, an immediate and indefinite withdrawal from residence. An indefinite withdrawal requires the student to leave residence until a determination has been made about the next steps for responding. After consultation with the SSIT and/or the Director of Student Services, Residence Services will advise the student whether the withdrawal is lifted or converted to an eviction from Residence, along with any special conditions.

- 4.10 The student is allowed to have a support person assist them during this process.
- 4.11 A review of any decision made under this policy will follow the review process as outlined in the Decision Review for Non-Academic Involuntary Withdrawal procedure.

5. **EVALUATION**

This policy will be reviewed every three years.

REFERENCES:

Decision Review for Non-Academic Involuntary Withdrawal Procedure

Safe Community College Policy (B-29)

Respectful College Community Policy (B-11)

Creating a Respectful Student Community

Protection of Children and Vulnerable Adults (B-12)

Residence Appeal Request

Ontario Human Rights Commission Policy and guidelines on disability and the duty to accommodate

Office of the Information and Privacy Commissioner of British Columbia and the Information and Privacy Commissioner of Ontario: Practice Tool for Exercising Discretion: Emergency Disclosure of Personal Information by Universities

Freedom of Information and Privacy Act, 1990

6. **Appendices:**

Appendix A: Role of Student Support and Intervention Team (SSIT)

Appendix B: A Commitment to Fairness and Respectful Action

Appendix C: Privacy and Confidential Information

Appendix A

Role of the Student Support and Intervention Team (SSIT)

1. The SSIT will employ a case management model to provide a coordinated response and support to the student-of-concern and College community. The SSIT will meet on a regular basis as a working group to continue to develop and deliver a coordinated response to the issue of students-of-concern at Canadore College, including a review of response plans. The SSIT shall be responsible for making recommendations to all front line staff and administration in the support of students-of-concern. The SSIT brings Canadore professionals from different backgrounds, all of which are essential in supporting students-of-concern. The team will provide advice and support in reacting to, resolving, and addressing students-of-concern issues. The team will also advise on any return to school protocols and/or conditions.
2. SSIT membership shall consist of the following persons or their Designate:
 - Director, Student Services
 - Director, First Peoples' Centre
 - Director, Facilities
 - Representative, Human Resources
 - Manager, Student Success Services
 - Manager, Security
 - Representative from the Academic Community (Dean)
3. The Chair may invite other individuals (or their Designate) to a SSIT meeting when there is a case that relates to their position within the College. The role of these individuals will be limited to providing information relevant to the SSIT's deliberations, and they will not be full participants in the SSIT process unless the Chair determines that full participation is appropriate. This includes but is not limited to the following:
 1. Faculty member
 2. Representative(s) from Advising
 3. Representative(s) from AccessAbility
 4. Representative(s) from Health Services
 5. Representative(s) from International Student Services
 6. Representative(s) from Marketing and Communications
 7. Representative(s) from Registrar's Office
 8. Representative(s) from Residence Life Services
 9. Representative(s) from Nipissing University

Appendix B

A Commitment to Fairness and Respectful Action

Accommodation of Students with Disabilities

Addressing the conduct of a student-of-concern can pose unique challenges to the College where that student has a learning, psychological, or physical disability that is contributing to the concerning behaviour. The College acknowledges that it has a duty to accommodate a student with a disability, in accordance with provincial law and College policy. Accommodation of students with disabilities should be made in accordance with the following principles: respect for dignity, individualized accommodation, and inclusion and full participation.

The College has a duty to accommodate up to the point of undue hardship. The Ontario Human Rights Commission (OHRC, Policy and guidelines on disability and the duty to accommodate, 2000) sets out three considerations in assessing whether an accommodation would cause undue hardship:

- i. cost;
- ii. outside sources of funding, if any;
- iii. health and safety requirements, if any.

The Commission further states that “health and safety risks will amount to undue hardship if the degree of risk that remains after the accommodation has been made outweigh the benefits of enhancing equality for persons with disabilities” (pg. 28). The student seeking accommodation has a corresponding responsibility to make full disclosure of their disability and to cooperate with the College in making appropriate accommodation for them, including advising College officials of the need for accommodation, cooperating with College officials in the accommodation process, and providing medical or other requested information relating to the disability and the required accommodation.

Ontario Human Rights Commission Policy and guidelines on disability and the duty to accommodate - <http://www.ohrc.on.ca/en/policy-and-guidelines-disability-and-duty-accommodate>

Appendix C **Privacy and Confidential Information**

Canadore College personnel strive to protect the personal information of its students, and to exercise discretion at all times. If it is not necessary, personal information will not be shared. However, as outlined by the Privacy Commissioner in the "Emergency Disclosure of Personal Information by Universities, Colleges and other Educational Institutions" [excerpt]:

"In emergency situations, privacy laws in Ontario **do not** prohibit universities, colleges or other educational institutions from responsibly disclosing a student's personal information, including information about their mental, emotional, or other health conditions, to parents or others who may be able to help in a crisis."

Ontario's *Freedom of Information and Protection of Privacy Act* (Ontario *FIPPA*) (Ontario *MFIPPA*) permits the disclosure of personal information "in compelling circumstances affecting the health or safety of an individual." It also allows for disclosure "in compassionate circumstances, to facilitate contact with the spouse, a close relative or a friend of an individual who is injured, ill or deceased."

Ontario's *Personal Health Information Protection Act* (Ontario *PHIPA*) also allows for the disclosure of personal health information if the health information custodian "believes on reasonable grounds that the disclosure is necessary for the purpose of eliminating or reducing a significant risk of serious bodily harm to a person or group of persons."

Ontario *PHIPA* also permits disclosure "for the purpose of contacting a relative, friend or potential substitute decision-maker of the individual, if the individual is injured, incapacitated or ill and unable to give consent personally."

Ontario *FIPPA* and Ontario *MFIPPA* contain similar emergency disclosure provisions that allow student residence advisors, school counsellors, and other personnel to disclose a student's information, without consent, where they become aware of compelling circumstances affecting the health or safety of an individual or others. This includes serious mental health concerns or threats of violence.

Information and Privacy Commissioner of Ontario: [Practice Tool for Exercising Discretion: Emergency Disclosure of Personal Information by Universities, Colleges and other Educational Institution](http://www.ipc.on.ca/images/Resources/ipc-bc-disclosure-edu_826594762500.pdf) - http://www.ipc.on.ca/images/Resources/ipc-bc-disclosure-edu_826594762500.pdf