



Title	<b>Student Non-Academic Conduct</b>
Policy No.	D.4.3
Approval Body	Board of Governors, Education Council (advice)
Policy Sponsor	Vice President, Academic & Research
Last Revised/Replaces	January 27, 2000; May 3, 2007; May 29, 2013
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### **CONTEXT AND PURPOSE**

Vancouver Community College (VCC; the College) seeks to provide and maintain a safe and respectful learning and working environment in which the rights, responsibilities, and dignity of all are respected. This policy integrates Indigenous and diverse ways of beings into the resolution of student non-academic misconduct and to building capacity for intercultural understanding.

This policy outlines the expected standards of non-academic student conduct and describes the processes that will be followed should a breach of these standards occur.

### **SCOPE AND LIMITS**

This policy and its related procedures apply to all students, and address conduct that:

- arises in connection with VCC activities or events on or off VCC property, including all educational events, and through any medium or means of communication
- involves property, equipment, or systems owned, borrowed, or leased by VCC

This policy and its related procedures may not apply to specific conduct more appropriately covered under other College policies and procedures, including but not limited to D.4.5 Academic Integrity; A.3.1 Prevention of Harassment, Discrimination, and Bullying; and A.3.10 Sexual Violence and Misconduct.

The responsive or disciplinary measures outlined in this policy will apply to violations of policy A.3.10 Sexual Violence and Misconduct, if the Respondent is a Student.

### **STATEMENT OF POLICY PRINCIPLES**

1. VCC has the right and responsibility to establish and enforce standards of student conduct.
2. Students are responsible for educating themselves about VCC policies and procedures, including standards of student conduct. Ignorance of any VCC policies and procedures does not excuse students from responsibility for their actions.
3. VCC expects students to conduct themselves responsibly in accordance with the following values:
  - a. the right to learn

- b. courtesy
  - c. mutual respect
  - d. diversity
  - e. free inquiry
  - f. individual safety
  - g. freedom from harassment, discrimination, and bullying
4. Students have the right to assemble for a lawful protest, subject to reasonable restrictions imposed by the College for safety and security reasons.
  5. VCC will investigate allegations of student misconduct and take appropriate fair and timely action. VCC will impose Corrective Measures appropriate to the nature and seriousness of the misconduct.
  6. The College may elect not to begin proceedings or impose Corrective Measures under this policy for alleged misconduct if public prosecution for that misconduct is anticipated or until law enforcement officials have disposed of the case. If the College determines its interest is clearly distinct from that of the community outside the College, proceedings under this policy may go forward.
  7. Students and employees are encouraged to report any student misconduct to the relevant instructor, Department Leader, Dean/Director, Student Conduct and Judicial Affairs Officer, or another College employee.
  8. The College's Committee Concerned with Student Behaviour (CCSB) assists in supporting a safe campus community that engages all areas of the College, students and employees in creating a respectful and responsible environment for the success of all students.

## DEFINITIONS

Appeal Hearing Committee: The group that decides appeals of student conduct decisions.

Balance of probabilities: The standard of proof used in investigations and Appeal tribunals is that, based on the evidence, the alleged violation is "more likely than not" to have occurred.

Corrective Measure: Any sanction imposed by the College to address, correct, or mitigate conduct violations. More than one corrective measure may be imposed at one time. Corrective measures may include, but are not limited to, the following:

- a. Letter of Reprimand: The minimum sanction for a student found responsible for an incident of misconduct. It may be given with or without other corrective measures.
- b. Student Conduct Contract: A formal document specifying conduct expectations for a defined length of time that the student must meet. Failure to meet the requirements of the conduct contract may lead to more severe Corrective Measures up to and including suspension.
- c. Restriction: Limiting access to specific College activities, facilities, and/or services for a specified period of time or permanently.
- d. Safety Suspension: An immediate action taken to remove a Student from College property for a specified period of time.

- e. Suspension from the College: Removal of a Student from the College by the President for an identified or indefinite period of time pursuant to the College and Institute Act.
- f. Loss of Privileges: Denial of specific privileges for a specified period of time (e.g., access to a service or lab space).
- g. Hold: Preventing access to one or more College services for a specified period of time. The type of hold may vary depending on the nature of the conduct violation and may include, but is not limited to registration, admission, or readmission.

Discretionary Measure: Any other sanction that appears warranted under the circumstances, such as a letter of apology, work assignment, restitution, service to the College, essay, or other measure.

Interim Measure: Any direction given to a student pending a formal review of a safety, risk or conduct concern. Interim Measures are taken in an effort to protect the safety and wellbeing of students, employees, and community members. Interim Measures are preliminary in nature and are generally in effect until an investigation and meetings with the student are completed. Interim Measures may include a ban from campus property, safety suspension or other necessary restrictions.

Misconduct: Unacceptable or improper behaviour which may include one or more of the following: (Specific examples of student misconduct can be found in Appendix A.)

- a. Dishonesty: Knowingly providing false or incomplete information to any VCC employee; forgery; alteration or misuse of any VCC document, record, or form of identification; misrepresentation or falsification of identity, status, or documentation.
- b. Disruption or obstruction of VCC business, including learning, teaching, research, administration, and other events and activities on or off VCC property. This definition should not be construed to deny students the right to assemble and protest lawfully.
- c. Use of VCC computers or electronic equipment or systems in contravention of College policies and procedures on such matters, including but not limited to policy B.5.2 Appropriate and Responsible Use of Education Information Technology.
- d. Actual or attempted theft or damage, misuse, vandalism, defacement, or destruction of VCC property or the property of any student, employee, or visitor.
- e. Failure or refusal to comply with a reasonable request or direction from an authorized VCC employee.
- f. Refusal to identify oneself to an authorized VCC employee when asked to do so.
- g. Possession, copying, or use of keys, access cards, or any other mechanism for entering VCC premises without advance authorization.
- h. Use, manufacture, distribution or possession of open alcoholic drinks, except in locations licensed for that purpose.
- i. Being under the influence of any substance to the point of impairment and being unsafe or disruptive.
- j. Use, possession, manufacturing, or distribution of any controlled substances except as expressly permitted by law.

- k. Possession of firearms, explosives, other weapons, or dangerous chemicals or use of any such items, in a manner that threatens, harms, or intimidates others.
- l. Unreasonable interference with the free flow of pedestrian or vehicle traffic except when part of a lawful protest.
- m. Unlawful actions on VCC property, physical or virtual, in violation of the *Criminal Code of Canada* or any other federal and/or provincial legislation or municipal by-laws.
- n. Unauthorized use of the VCC name, reputation, symbols, or logo.
- o. Violation of any VCC policy, rule, or regulation published by VCC or available on the VCC website.
- p. Aiding and/or encouraging any of the misconduct listed above.
- q. Any other conduct that may be reasonably deemed to be in violation of the College's student conduct expectations.

Non-Corrective Measures: Measures that address actual behaviour but are non-disciplinary in nature; e.g., involuntary leave of absence related to medical or mental health concerns.

Procedural Fairness & Natural Justice: The principles ensuring that a dispute is fairly decided. Both the Student and Respondent(s) have equal right to:

- a. have a policy applied equally;
- b. have a College decision or action communicated in writing with sufficient detail;
- c. dispute an initial College decision or action;
- d. appeal a subsequent College decision or action;
- e. be provided with sufficiently detailed and timely reasoned notice of activity;
- f. have a timely and reasonable opportunity to be heard and present a case before impartial/neutral decision makers;
- g. be provided with sufficiently detailed, reasoned and timely tribunal decisions;  
and
- h. seek representation or advocacy.

Special Circumstances: Situations where a Student or employee, due to events or forces outside their control, is unable to submit the appropriate documentation within the prescribed deadline. Special Circumstances include, but are not limited to, illness, family emergency, inability to access support services in a timely manner, or College delay in rendering pertinent information.

Student: A person who is registered in a full-time or part-time credit or non-credit course offered by VCC. Persons are still considered a student if they withdraw after allegedly violating the Student Non-Academic Conduct policy or have been subject to involuntary withdrawal. Those who are not officially enrolled for a particular term but who have a continuing relationship with VCC or who have been notified of their acceptance for admission are also considered students.

Student Conduct File: A record held by the Associate Vice President, Student & Enrolment Services or delegate, separate from the Student's academic record that contains a complete record of any alleged misconduct by the Student, held in accordance with prudent and acceptable standards within the field.

Student Conduct Report: A document used for reporting allegations of student misconduct.

## **RELATED LEGISLATION & POLICIES**

### Legislation

College and Institute Act, Sections 19(1), 23(1)(j); 37(2), 37(3), 37(4)  
Criminal Code of Canada

### Policies

- A.1.2 Student Appeal of Suspension to Board of Governors
- A.2.1 Appeal to Education Council on Educational Matters
- A.3.1 Prevention of Harassment, Discrimination, and Bullying
- A.3.3 Freedom of Information and Protection of Privacy
- A.3.6 Standards of Employee Conduct and Conflict of Interest
- A.3.8 Violence Prevention
- A.3.9 Records Management
- A.3.10 Sexual Violence & Misconduct
- A.3.11 Emergency Management
- B.3.6 Alcoholic Beverages on Campus
- B.3.8 Smoking on Campus
- B.5.2 Appropriate and Responsible Use of Education Information Technology
- D.4.1 Students with Disabilities
- D.4.2 Student Complaints about Instruction, Services and Employees
- D.4.5 Academic Integrity
- D.6.1 Lending and Borrowing College Equipment

### Other

Committee Concerned with Student Behaviour (CCSB) Terms of Reference

## **RELATED PROCEDURES**

Refer to D.4.3 Student Non-Academic Conduct Procedures

## Appendix A

### Student Non-Academic Misconduct

Examples of student misconduct while on VCC property, in an online learning environment, or during other VCC-related activities are:

- Audio and/or video recording of lectures or other classroom activities without appropriate instructor/classroom participant approval.
- Speech or action that disrupts or interferes with the ability of students to learn, the ability of an instructor to teach, or the ability of an employee to provide services.
- Extreme or unreasonable demands for attention or special treatment from instructors or employees.
- Repeated interruption of classes and/or services with remarks that are irrelevant, rude, or inappropriate.
- Speech or action that is clearly unrelated to learning and that demeans or creates an atmosphere of hostility, intimidation, ridicule, or anxiety among other students, employees, or visitors.
- Abusive or bullying behaviours, violence, threats of violence, or conduct which threatens or endangers the health or safety of any person.
- Unsanctioned activities on VCC-owned computers or other devices.
- Pulling the fire alarm for any reason other than to report a fire.

These examples represent a diverse range of student misconduct that may, under specific circumstances, be referred to other College policies, such as Prevention of Harassment, Discrimination & Bullying (A.3.1), or Sexual Violence & Misconduct (A.3.10), or to the Police, such as when the Criminal Code of Canada is breached.