



## PROCEDURES

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
Effective Date	May 27, 2021

### General

1. Students and employees are encouraged to seek advice about this policy and/or its procedures from VCC employees such as the Arbiter of Student Issues, and/or from the SUVCC's Student Advocate.
2. Incidents of misconduct occurring during a practicum, work experience, or other VCC activity off campus are reported and addressed in a formal resolution process. If a College employee is not present, the workplace supervisor observing the incident employs their own workplace policy and procedures in order to manage the immediate situation. The workplace supervisor notifies a previously identified VCC contact person, who assesses the situation and determines whether additional action is required in accordance with College policy.

### Misconduct Involving Safety or Risk

3. Misconduct that obstructs the activities of the College and/or represents a threat to students or employees should be reported to Security immediately.
4. Security representative(s) manage the situation in accordance with established practices and policies to restore activities to their normal state and/or to control, mitigate, or eliminate the threat.
5. Security representative(s) complete an Incident Report that is forwarded to the Director of Safety, Security and Risk Management (DSSRM), who forwards a copy to the Student Conduct and Judicial Affairs Officer (Conduct Officer) to be included in the Student Conduct File.
6. If Security is unavailable, where circumstances require action, any VCC employee has the right to ask the student to leave the classroom or learning area. Security is notified as soon as possible. An Incident Report should be sent to the DSSRM and the Conduct Officer within one (1) business day.
7. In the event of a serious or imminent threat, the College has the right to take all necessary Corrective or Interim Measures to secure the safety of students, employees, and visitors. This may include the removal of a student from a classroom or other College facilities or locations either temporarily or for an extended period of time, or calling the police.
8. Where serious risks to safety are identified, the DSSRM or designate and/or the Conduct Officer are authorized to remove a student from a program, class, and/or

College facilities or locations, and issue a 24-hour Safety Suspension, which may be extended if needed for investigation purposes. Interim Measures may also be imposed at this time. Such a removal and/or any Interim Measures do not imply a finding of responsibility or breach of the Student Non-Academic Conduct policy.

9. The DSSRM or designate reviews the circumstances with the Conduct Officer and drafts an action plan that is circulated to affected College employees.
10. The student is required to meet with the DSSRM or designate, the Conduct Officer and/or other employees before returning to the College.
11. The Conduct Officer supports the Manager of Safety and Security as needed for any investigation regarding Policy A3.10 Sexual Violence and Misconduct.

### **Classroom Management**

12. In cases where reasonable efforts to manage student non-academic conduct are not successful, instructors or other employees have the right to ask the student to leave the classroom/service area for the day. Such incidents must be reported to the relevant Department Leader/Supervisor and the Conduct Officer in a timely manner.
13. The student may be required to meet with the Conduct Officer to review the concern and to receive support and direction before returning to class.
14. In cases where the recording of lectures or other classroom activities have been approved by the instructor, such content is restricted to personal use only. Permission must be expressly granted in writing by the instructor and other classroom participants, including other students, for any other use, including sharing with other classmates. This is not meant to limit the support for students who have been approved by Disability Services for audio and/or video recording of lectures and other classroom activities as a reasonable accommodation.

### **Informal Resolution**

15. VCC encourages the informal resolution of student misconduct situations where appropriate, and believes that in most cases, early discussion and education is the most effective way to resolve student misconduct and to prevent the escalation of concerns.
16. In many cases, misconduct that does not interfere with the activities of the College and/or does not represent a threat to others may be addressed by the appropriate instructor or employee as follows:
  - a. Bring the misconduct to the student's attention and utilize additional Student and Enrolment Services when required.
  - b. Give the student an opportunity to explain the behaviour.
  - c. Explain why the misconduct is unacceptable, what element of Policy was breached, and the standard of conduct that is expected. This could include a written document explaining what behaviour was unacceptable, what acceptable behaviour is, and what the consequences of non-compliance are.
  - d. Give the student an opportunity to correct the behaviour.
  - e. If the misconduct persists, consult with the Department Leader/Supervisor and complete a Student Conduct Report.
17. An issue of misconduct is referred to a formal resolution process when:
  - a. there are multiple instances of misconduct by the same student

- b. the matter is a serious breach of conduct
- c. the informal resolution process is not engaged, such as when there are concerns regarding safety and/or power imbalance
- d. the alleged student misconduct issue is not resolved through the informal resolution process

### **Formal Resolution**

18. Incidents of alleged student misconduct that cannot be resolved informally must be recorded in a Student Conduct Report. The Student Conduct Report is prepared by the relevant employee, immediate supervisor, or Department Leader and forwarded to the Conduct Officer and the relevant Dean/Director. The Conduct officer forwards a copy of the Report to the student.
19. Student Conduct Reports must be completed and forwarded no later than four (4) business days after the incident, or within a reasonable time limit given Special Circumstances.
20. The Conduct Officer or designate, in consultation with the relevant Dean/Director, reviews the Student Conduct Report to determine if an investigation is required.
21. The Conduct Officer or designate may request interviews with the student, the employee, the employee's supervisor, Department Leader, relevant Dean/Director, and/or any other relevant person in order to make this determination.
22. Based on the evidence provided at the time, the Conduct Officer determines how to proceed with a resolution. They may decide that:
  - a. The allegations do not constitute a breach of student conduct. In this case, the student is notified and the matter is considered resolved.
  - b. An informal resolution should be attempted. In this case, the matter is sent back to the Instructor/staff member who submitted the Student Conduct Report. Recommendations and/or tips for resolving the matter may be provided.
  - c. A Discretionary or Interim Measure be imposed.
  - d. An investigation into the alleged student misconduct is required. In this case, the employee, the employee's supervisor, the Department Leader, and the student are notified in writing, and the investigation begins. An estimated timeline for the investigation is also provided.

### **Investigation**

23. The Conduct Officer conducts the investigation.
24. The purpose of the investigation is to gather facts and statements relevant to the behavior or incident in question. The Conduct Officer determines an appropriate process for the investigation, which may include:
  - a. a review of relevant information and documents
  - b. obtaining written submissions
  - c. meeting with the parties involved or any witnesses deemed relevant to the investigation
25. The student may bring a support person or an advocate to the interview.
26. With the exception of the student subject to the investigation, all persons who are involved in an investigation or proceeding pertaining to alleged student non-

- academic misconduct are expected to treat confidentially any information they receive during the course of the investigation or proceeding.
27. If the student fails to cooperate with the investigation or to be reasonably available for a meeting, the investigation proceeds without the input of the student.
  28. Based on the evidence presented in the investigation, the Conduct Officer or designate determines an appropriate course of action.
    - a. If the student is found to have not breached the standards of conduct, all Interim Measures are lifted, and the student is returned to full status. The findings are communicated to the student and added to the Student Conduct File. The Conduct Officer works with the student and relevant areas of the College to address any negative impact of the Interim or Discretionary Measures on the student's academic progress.
    - b. If the student is found to have breached the standards of conduct, a suitable Corrective Measure is imposed based on the seriousness of the misconduct, the student's record of prior conduct, and any other factors that may be relevant to the decision.
    - c. If the Student is found to have breached the standards of conduct, but may not be culpable for their conduct, a Non-corrective Measure may be imposed. In some cases, the College may cancel the Student's registration for a period of time, and may grant a refund if warranted. The Conduct Officer or designate may subsequently permit the Student to re-register at the College subject to conditions that are appropriate in the circumstances.
  29. If the recommended Corrective Measure is suspension from the College, the Conduct Officer consults with the appropriate Dean, and submits the recommendation in writing to the Vice President, Academic & Research.
    - a. The Vice President, Academic & Research considers the recommendation and decides on the appropriate response.
    - b. The Vice President, Academic & Research submits the recommendation to suspend to the President, who makes the final decision within ten (10) business days of receipt of the recommendation, and informs the student in writing of the decision and rationale. This timeframe may be extended if circumstances warrant such an extension.
    - c. The President immediately reports the suspension of a Student, with reasons, to the Board of Governors.
  30. If a student does not comply with mandated Corrective Measures, additional Corrective Measures may be imposed.
  31. The Conduct Officer or designate informs those employees of the College who have a need to know as part of their ongoing employment responsibilities, of the results of the investigation and any Measures that have been taken. This information shall be treated in confidence.
  32. Records of the investigation and its result are kept in the Student Conduct File in accordance with policy A.3.9 Records Management.
  33. Corrective Measures imposed under this policy may be appealed in accordance with established College processes. Corrective Measures that are imposed remain in place during the appeal process.

## Appeals of Corrective Measures other than Suspension from the College

34. A student may appeal Corrective Measures except Suspension from the College, by submitting a Student Non-Academic Conduct Appeal Request Form to the Registrar.
35. Appeals can be made under either of the following circumstances:
  - a. The investigation lacked Procedural Fairness; or
  - b. There is relevant new information that was not available at the time the decision was made and that would have influenced the outcome.
36. Students are encouraged to contact the Conduct Officer if relevant new information or evidence of a lack of procedural fairness arises before filing a formal appeal, to provide an opportunity to revise the original disciplinary decision.
37. Appeals must be submitted no later than ten (10) business days from the date of the decision. Submissions received after the ten (10) business days are forwarded to the Appeal Hearing Committee (the Committee) for a decision as to whether or not they will hear the case.
38. The Registrar forwards the completed Appeal Form and all supporting documentation to the Associate Vice President, Student & Enrolment Services, who, as soon as practicable and in a reasonable timeframe, forms a Committee.
39. The Committee is composed of the following three members:
  - a. Associate Vice President, Student & Enrolment Services as the Chair;
  - b. One (1) employee; and
  - c. One (1) student member.
40. Committee members are required to disclose any actual or potential conflicts of interest to the Chair, who determines their suitability for the Committee.
41. The Chair submits all relevant documentation to Committee members as soon as they are appointed.
42. The Chair calls an initial meeting of the Committee to review the documentation and decide whether to accept the appeal request or reject it based on insufficient grounds. The Arbiter of Student Issues is invited to attend the meeting as a silent observer.
43. The student is notified of the Committee's decision. If the appeal request is accepted, the Chair normally schedules an Appeal Hearing (the Hearing) within fifteen (15) business days of receipt of the appeal request. The Chair contacts the student to determine if any accommodations are required for the Hearing.
44. The names of Committee members remain confidential and are only provided to the attendees at the time of the Hearing.
45. The Hearing is attended by:
  - a. The Chair and members of the Committee;
  - b. The student;
  - c. The Conduct Officer or designate who imposed the initial Corrective Measures and/or the DSSRM for a safety suspension;
  - d. Witnesses;
  - e. Any Support Persons and/or advocates; and
  - f. The Arbiter of Student Issues (as a silent observer).
46. Hearings are closed meetings and are not open to the public or VCC community members who are not involved in the case being heard.

- a. The student may have an advocate to advise and/or represent them during the Hearing. The student needs to provide 48 hours' notice to the College of the identity of the advocate. However, the student must participate fully in the Hearing and answer any direct factual questions asked by the Committee.
  - b. The student may also have a support person present. The support person may not speak to the Committee.
47. The Chair begins the Hearing by introducing all parties in attendance and outlining the procedures to be followed. An opportunity is provided for presentation of the issues and questions from the student's perspective. The decision-maker named in the Appeal is given the same opportunity. Committee members may ask questions of the parties and any witnesses.
48. All attendees, except the Student, are expected to return all documentation at the close of the Hearing and to maintain the confidentiality of the proceedings.
49. Immediately after the Hearing, the Committee members deliberate in private and make a decision regarding whether the Appeal is founded or not founded.
50. The decision:
  - a. is based on the "balance of probabilities";
  - b. is made by majority vote; and
  - c. with the Chair voting only in the event of a tie.
51. The Committee may uphold the Corrective Measure(s) or reject the original decision and return it to the decision-maker.
52. The student and the decision-maker are notified in writing within three (3) business days of the Hearing.
53. All Hearings are recorded, and written or audio records are maintained in the Student Conduct File in accordance with policy A.3.9 Records Management. These records remain confidential.
54. The Committee's decision is final.

### **Appeal of a Suspension from the College**

55. Students have the right to file an appeal of suspension to the Board of Governors. Refer to policy A.1.2 Student Appeal of Suspension to Board of Governors.

### **RELATED POLICY**

Refer to D.4.3 Student Non-Academic Conduct Policy