DEFINITIONS

Appeal Hearing Committee: The body that hears appeals of student conduct decisions, and typically consists of five members drawn from the Appeals Standing Committee of Education Council.

Appeals Standing Committee of Education Council: A standing committee of 30-40 VCC faculty, Deans/Directors, and students appointed by Education Council, who are available and trained to participate as members of an Appeal Hearing Committee.

Balance of probabilities: The standard of proof used in investigations and hearings is that the alleged violation is “more likely than not” to have occurred based on the evidence.

Disciplinary Measures (Sanctions): Any measure or sanction imposed by the College to address, correct or mitigate conduct violations. More than one disciplinary measure may be imposed at one time. Disciplinary measures may include but are not limited to the following:

- **Letter of Reprimand**: A letter of reprimand is the minimum sanction for a student found responsible for an incident of misconduct. It may be given with or without other disciplinary measures.

- **Student Conduct Contract**: A formal document specifying conditions of conduct for a defined length of time to which the student must abide and which the student must meet. Failure to meet the requirements of the conduct contract may lead to more severe disciplinary measures up to and including suspension.

- **Suspension from a College course/program**: Removal of the student from the course/program for an identified period of time or for the duration of the course/program.

- **Restriction**: Removal of the student from specific College activities, facilities and/or services.

- **Suspension from the College**: Removal of the student from the College for an identified period of time, indefinitely, or permanently. The relevant Dean/Director/Manager/Vice President Education & Student Services may recommend to the President that the student be suspended from the College.
**Loss of Privileges:** Denial of specific privileges for a specified period of time (e.g., access to a service or lab space).

**Hold:** The College may place a hold on a student which will prevent registration, admission, readmission, transcript requests, diplomas or certificates, or other College services until such time as the student complies with an investigation request or as a disciplinary measure in itself.

**Discretionary Measure:** Any other discretionary sanction or measure that appears warranted under the circumstances (e.g., letter of apology, work assignment, restitution, service to the College, essay, etc.).

**Misconduct:** Student misconduct includes but is not limited to:

a. **Dishonesty:** This type of misconduct includes, but is not limited to: 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 when endorsed by the SUVCC, as disruption and obstruction may be a direct consequence of such lawful protest.

c. **This type of misconduct includes,** but is not limited to:
   - 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.

d. **Use of VCC computer or electronic equipment or systems in contravention of the Appropriate and Responsible Use of Education Information Technology Policy (B.5.2).**

e. **Actual or attempted theft or damage, misuse, vandalism, defacement or destruction of VCC property or the property of any student, employee or visitor.**

f. **Failure or refusal to comply with a reasonable request or direction from an authorized VCC employee.**

g. **Refusal to identify oneself to an authorized VCC employee when asked to do so.**
h. Possession, copying or use of keys, access cards or any other mechanism for entering VCC premises without advance authorization.

i. Use or possession of open alcoholic drinks on VCC property except in locations licensed for that purpose. Alcoholic drinks may not be used or possessed by or distributed to any person who has not reached the legal age for this activity in the Province of British Columbia.

j. Manufacture or distribution of alcoholic drinks on VCC property except when permitted by VCC regulations and/or agreements and in authorized or licensed locations.

k. Being under the influence of alcohol or narcotics on VCC property to the point of impairment.

l. Use, possession, manufacturing or distribution of marijuana, heroin, narcotics or other controlled substances except as expressly permitted by law.

m. Illegal or unauthorized possession of firearms, explosives, other weapons or dangerous chemicals on VCC property or use of any such items, even if possessed legally, in a manner that threatens, harms or intimidates others.

n. Unreasonable interference with the free flow of pedestrian or vehicle traffic on VCC property or at VCC sponsored or supervised functions except when part of a lawful and SUVCC-endorsed protest.

o. Unlawful actions on VCC property, physical or virtual, in violation of the Criminal Code of Canada or any other federal and/or provincial legislation and regulations or municipal by-laws.

p. Unauthorized use of the VCC name, reputation, symbols or logo.

q. Violation of any VCC policy, rule or regulation published by VCC or available on the VCC website.

r. Aiding and/or encouraging any of the misconduct listed above.

s. Any other conduct that is deemed to be in violation of the College’s student conduct expectations and values as outlined in the Student Code of Conduct (Non-Educational Matters) Policy Principles (D.4.3).

Natural Justice: The principles and procedures that govern the adjudication of disputes between persons or organizations, chief among which are that the adjudication should be unbiased and given in good faith, and that each party should have equal access to the Appeals Hearing Committee and should be aware of arguments and documents adduced by the other.

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

Student: A person who is registered in 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 Code of Conduct 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 Director of Student Services Office, separate from the student’s education records/files, that contains a complete record of any alleged misconduct by the student.

**Student Conduct Report:** A document (see Appendix A) used for reporting allegations of student misconduct.

## PROCEDURES

### Misconduct Involving Safety or Risk

1. Misconduct that obstructs the activities of the College and/or represents a threat to students or employees should be immediately reported to the Security Office:
   a. In the event that a risk to safety or security is identified, the College will immediately take all necessary measures to secure the safety of students, employees and visitors. Where serious risks to safety are identified, the Director of Safety and Security (or designate) is authorized to remove a student temporarily from a program, class and/or College facilities or locations. Such students will not be permitted to return to the College until the safety concern is resolved.
   b. Security representative(s) will 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.
   c. Security representative(s) will complete an Incident Report which is forwarded to the Director of Safety and Security, who will forward a copy to the Director of Student Services Office to be included in the Student Conduct File.
   d. If Security is unavailable, where circumstances require action, any VCC employee has the right to ask the student to leave the College premises. An Incident Report should be sent to the Director of Safety and Security and the Director of Student Services Office within one (1) business day.

### Classroom Management

2. In cases where reasonable efforts are not successful, instructors or other employees have the right to ask the student to leave the classroom, service area, or College premises for one (1) business day. The incident should promptly be reported to the relevant Department Leader.

### Informal Resolution of Student Misconduct

3. VCC encourages the informal resolution of student misconduct situations where appropriate. VCC believes that in most cases, early discussion with students is the most effective way to resolve student misconduct and to prevent escalation of concerns. Where possible, efforts should be made to resolve situations of student misconduct on an informal basis. If the inappropriate conduct persists, it may be necessary to employ the intervention processes described below under Formal Report of Student Misconduct.
4. 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 VCC instructor or employee as follows:
   a. Bring the misconduct to the student’s attention and utilize appropriate support when required;
   b. Give the student an opportunity to explain his/her 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 his/her behaviour;
   e. If the misconduct persists, consult with supervisor/Department Leader and complete a Student Conduct Report (see Appendix A).

5. The methods described under item 4 above, may not be appropriate in all circumstances (e.g., where the misconduct may involve unlawful acts such as theft, sale of controlled substances, etc). If uncertain, the employee observing the misconduct should seek guidance from the employee’s supervisor/Department Leader, Director of Safety and Security, Director of Student Services and/or Arbiter of Student Issues.

**Formal Report of Student Misconduct**

6. Incidents of alleged student misconduct that cannot be resolved informally must be recorded in a Student Conduct Report (see Appendix A). The Student Conduct Report will be prepared by the employee, immediate supervisor or Department Leader.

7. Incidents of misconduct occurring during a practicum, work experience or other VCC activity off campus will be addressed and reported as above. If a College employee is not present, the workplace supervisor observing the incident will employ their own workplace policy and procedures in order to manage the immediate situation. The workplace supervisor will notify a previously identified VCC contact person, who will assess the situation and determine whether additional action is required in accordance with College policy.

8. Once completed, the Student Conduct Report is forwarded to the Director of Student Services and the relevant Dean/Director. Student Conduct Reports shall be completed and forwarded no later than four (4) business days after the incident giving rise to the Student Conduct Report.

**Formal Investigation**

9. The Director of Student Services Office receives all Student Conduct Reports.

10. The Director of Student Services (or delegate) reviews the Student Conduct Report and determines in consultation with the relevant Dean/Director if an investigation is required. The Director of Student Services (or delegate) may conduct interviews with the student, the employee, the employee’s supervisor, Department Leader, relevant Dean/Director and any other relevant person in order to make this determination.
11. If, at any time during the investigation, it is determined that the student has not contravened the Student Code of Conduct (Non-Educational Matters) Policy (D.4.3) based on the evidence provided at the time, then this finding will be communicated to the student and the matter will be considered resolved.

12. If the Director of Student Services (or delegate) determines that further investigation is required, the Director of Student Services (or delegate) will investigate. The Director of Student Services (or delegate) will ensure the student, the employee, the employee’s supervisor, and the Department Leader are notified of the investigation. The Director of Student Services (or delegate) will provide an estimated timeline for the investigation, and will notify the student of any delays or extension to that timeline.

13. The student will be entitled to know the allegations against him/her. The student will be given an opportunity to provide a full response to the allegations, and to explain any relevant mitigating or other circumstances.

14. A student who declines to participate in an investigation may have a hold placed on his/her student record in addition to other sanctions as deemed appropriate.

15. The student may bring a support person to the investigative interview for moral support only. A support person is not permitted to answer the questions or speak on behalf of the student. The investigator may ask if the support person has any questions regarding process at the end of the interview.

16. Pending the outcome of the investigation, the Director of Student Services (or delegate) may take any interim measures considered necessary. Such measures may include but are not limited to: requiring the student to comply with interim measures; temporarily restricting access to a specific area, class, service or campus; placing a hold on student records, or requiring the student to leave VCC property temporarily.

Results of Investigation

17. If the Director of Student Services (or delegate) determines that the student has contravened the Student Code of Conduct (Non-Educational Matters) (D.4.3), the Director of Student Services (or delegate) will determine a suitable disciplinary measure. The penalty will be commensurate with the seriousness of the misconduct and will take into account the student’s prior conduct. Disciplinary measures include but are not limited to:

   a. Letter of Reprimand
   b. Student Conduct Contract (see Appendix B)
   c. Recommendation of Suspension from a College course or program
   d. Recommendation of suspension from the College

18. If the Director of Student Services (or delegate) is of the view that the appropriate response is either

   a. suspension from the course/program for an identified period of time or for the duration of the course/program, or
   b. suspension from the College for an identified period of time, indefinitely, or permanently,
the Dean responsible for the student’s program will provide his/her recommendation in that regard to the Vice President Education & Student Services.

19. The Vice President Education & Student Services will consider the recommendation provided by the Dean/Director and decide on the appropriate response.

a. If the Vice President Education & Student Services is of the view that the appropriate response is suspension from the College for an identified period of time, indefinitely, or permanently, the Vice President Education & Student Services will make such a recommendation to the President.

b. Where such a recommendation is made by the Vice President Education & Student Services, the President will make the decision within ten (10) business days of receipt of the recommendation. This time frame may be extended by the President if he/she determines that the circumstances warrant such an extension.

c. If the President decides to suspend the student from the College, the President will immediately report such action to the Board with a statement of the reasons, in accordance with Section 37(3) of the College and Institute Act.

20. If the Director of Student Services (or delegate) determines that the student has not contravened the Student Code of Conduct (Non-Educational Matters) (D.4.3), all interim measures will be lifted and the student will be returned to full status. The findings will be communicated to the student and added to the Student Conduct File.

21. If the Director of Student Services (or delegate) determines that there was a contravention of the Student Code of Conduct (Non-Educational Matters) (D.4.3) but finds that the student may not be culpable for their conduct (e.g., due to medical or mental health conditions) an involuntary leave of absence may be imposed. In such cases, the College may cancel the student’s registration for a period of time, and may grant a refund if warranted. The Director of Student Services (or delegate) may subsequently permit the student to re-register at the College subject to conditions the Director of Student Services (or delegate) considers appropriate in the circumstances.

22. The student will be notified in writing of the rationale for the decision.

23. A student who does not comply with mandated disciplinary measures may have a hold placed on his/her student record.

24. The Director of Student Services (or delegate) will inform 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.

25. Records of the investigation and its result will be kept in the Student Conduct File.

Appeals for Discipline other than Suspension from the College

26. A student may appeal the imposition of a disciplinary measure. For an appeal of a suspension from the College, please see “Final Appeal of a Suspension from the College” in these procedures below.

27. During an appeal, all sanctions shall remain in full force and effect.
28. Grounds for appeal are limited to the following:
   a. the investigation lacked procedural fairness;
   b. there is relevant new information that was not available at the time the decision was made and that may have influenced the outcome.

29. Students are encouraged to contact the person responsible for the original disciplinary decision 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.

30. For all disciplinary measures except suspension from the College, a student may submit a Student Conduct (Non-Educational) Appeal Request Form (see Appendix C), along with all supporting documentation, to the Registrar’s Office. Appeals must be submitted within ten (10) business days of the date when the student was notified in writing of the decision. Submissions received after the ten (10) business days will be forwarded to the Appeal Hearing Committee for a decision as to whether or not they will hear the case.

31. Upon receipt of the Appeal Request Form, the Registrar, as soon as practicable and in a reasonable timeframe, will appoint five (5) members of the Appeals Standing Committee of Education Council to form an Appeal Hearing Committee.

32. The Appeal Hearing Committee will typically be composed of the following:
   a. A Dean or Director as Appeal Hearing Committee Chair (Chair) who will vote only in the event of a tie;
   b. Two (2) faculty members; and
   c. Two (2) student members.

33. Appeal Hearing Committee members are required to disclose any actual or potential conflict of interest to the Committee for discussion and determination of their suitability for the Appeal Hearing Committee.

34. The Registrar’s Office will submit the Appeal Request Form, supporting documentation and any other relevant documentation held in the Student Conduct File to the Chair as soon as they are appointed.

35. The Chair will call an initial meeting of the Appeal Hearing Committee to review the documentation and decide whether to accept the appeal request or reject it based on insufficient grounds. The student will be notified of this decision. If the appeal request is accepted, the Chair will normally schedule an Appeal Hearing within fifteen (15) business days of receipt of the appeal request.

36. The names of the Appeal Hearing Committee members will remain confidential, and will only be provided to the participants at the time of the Hearing.

37. The Appeal Hearing will be attended by:
   a. Members of the Appeal Hearing Committee;
   b. The student;
   c. Director of Student Services (or delegate who imposed the initial disciplinary measures);
   d. The relevant Dean/Director (or delegate);
e. The Vice President, Education & Student Services (if appealing suspension from a program);
f. Witnesses;
g. The Arbiter of Student Issues (observer only); and
h. Other persons as indicated below.

38. The Appeal 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 a VCC Students’ Union Advocate to advise and represent him/her during the Hearing. However, the student is expected to fully participate 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.

c. The student may request accommodations needed to fully participate in the Hearing (e.g., sign language interpreter) and must inform the Chair of such requirements five (5) business days before the Appeal Hearing.

39. During the Appeal Hearing, the Chair will chair the proceedings and ensure that due process is followed. The Chair will begin the Hearing by introducing all parties in attendance and outlining the procedures to be followed. An opportunity will be provided for presentation of the issues from the student’s perspective. The decision maker named in the Appeal will be given the same opportunity. Committee members may ask questions of the parties and any witnesses.

40. The student, decision maker, and members of the Appeal Hearing Committee are expected to return all documentation to the Chair at the close of the Hearing and to maintain the confidentiality of the proceedings.

41. Immediately after the Appeal Hearing, the Committee members will deliberate in private and make a decision regarding the Appeal.

42. The decision:
   a. is based on the “balance of probabilities,”
   b. is made by majority vote;
   c. with the Chair voting only in the event of a tie.

43. The Committee may uphold the original disciplinary measure(s), reverse the original decision, or substitute new disciplinary measures, up to and including recommending suspension from the program or the College.

44. The final decision will be conveyed to the student and the decision maker in person the same day, and/or in writing within three (3) business days of the Appeal Hearing.

45. All Appeal Hearings will be recorded, and written or audio records will be maintained by the Director of Student Services Office in the Student Conduct File for at least one (1) year after the Hearing date. These records will remain confidential.
Final Appeal for Discipline other than Suspension from the College

46. The student may appeal the decision of the Appeal Hearing Committee by submitting a request in writing for a final appeal to the Vice President Education & Student Services within ten (10) business days of receiving written confirmation of the decision of the Appeal Hearing Committee.

47. Grounds for further appeal are limited to aspects of the previous appeal process only, such as:
   a. Conflict of interest;
   b. Substantive bias; and/or
   c. Denial of natural justice.

48. The Vice President Education & Student Services will review and consider information relevant to the Appeal and decide whether to accept the decision of the Appeal Hearing Committee or to order a new Appeal Hearing. In the event a new Hearing is ordered, an Appeal Hearing Committee with new membership will be struck. The student will be notified in writing of the Vice President’s decision within a reasonable time. The Vice President’s decision is final.

Final Appeal of a Suspension from the College

49. A student wishing to appeal a suspension from the College by the President may appeal to the College Board. The student must follow the process under the Student Appeals to the College Board Policy (A.1.2). Appeals under Policy A.1.2 must be submitted within ten (10) business days of the date of the President’s notification of suspension from the College.

RELATED POLICY

Refer to Student Code of Conduct Policy (D.4.3)