

## STUDENT NONACADEMIC MISCONDUCT POLICY

Category: Administration	Replaces: A10.02.02; formerly Standards of Student Conduct	Next Review: 2030 Apr
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BC DOUGLAS COLLEGE

This policy is not intended to prohibit the respectful expression of differing viewpoints or peaceful protest; nor is it intended to fetter Students their free pursuit of scholarly knowledge or engagement in frank discussion of controversial issues in their coursework, provided that such pursuits and discussions are conducted in a civil and respectful manner.

#### Application of Other College Policies

Conduct that violates this policy may also violate other College policies, such as but not limited to the following:

- For discrimination on grounds protected under the BC Human Rights Code, see also the Human Rights policy;
- For violence or the threat of violence that is sexual in nature, including sexual harassment, see also the Sexual Violence and Misconduct Prevention and Response policy;
- For all other forms of violence or the threat of violence, see also the Violence Prevention and Response policy.

Where Non-academic Misconduct is alleged of a Student who is also an Employee and the allegation relates to the Student's conduct while acting in the capacity as an Employee, another College policy and/or procedure may apply, including, where appropriate, relevant collective agreement provision(s) and protections.

### C. DEFINITIONS

**Bullying and Harassment** See "Non-academic Misconduct" below.

**College Community** All College Employees, Students and Board members, and any other person who is contractually obligated to comply with College policy.

**College Property** In addition to the College's physical campuses and Student Housing; includes, for the purposes of this policy, technology and technological spaces such as online learning platforms and social media networks that are relied upon by Students and/or Employees in the completion of their studies and/or work.

**College-related Event or Activity** Any type of activity conducted under the auspices of the College at any location, including Student Housing and online or virtual locations (e.g., instruction, practicums, co-op or work experience placements, international field schools, sports events, artistic performances and Student club activity; events and activities held on College





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4. Students and other members of the College Community who file a Complaint regarding an incident of Nonacademic Misconduct can expect the College to provide the following:
  - Compassion, dignity and respect in the handling of the Complaint and any subsequent Investigation;
  - Sensitivity in the handling of personal information and information about the limits of confidentiality with respect to an Investigation into a Complaint;
  - Timely information about available College s

in a particular type of behaviour, restricting access to a specific campus or specific areas of College Property; and/or suspending/placing on leave from the College or both of the Parties.

Such interim measures will be precautionary rather than disciplinary and should therefore, remain in place for as short a time as possible

9. Complaints of Non-academic Misconduct may involve confidential and sensitive information. The College recognizes its responsibility to avoid or minimize circumstances that might reasonably be expected to cause participants distress so that those who may have experienced Non-academic

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## Safety Planning

Any member of the College Community affected by an incident of Academic Misconduct may request a safety plan. Students or other Employee members of the College Community may contact the Director, Safety, Security and Risk Management (SSRM). Employees may contact the Associate Vice President, Human Resources.

## Reporting Alleged Violations of this Policy

The College encourages and expects members of the College Community to report incidents of alleged Nonacademic Misconduct promptly, regardless of whether the person reporting the alleged violation experienced or witnessed the conduct, when either the conduct has not been addressed directly and informally by the person(s) affected, or the person(s) affected are not satisfied with the outcome of any attempt at direct and informal resolution.

Members of the College Community may consult with the Director, SSRM or the Vice President, Student

appropriate College Support Person to participate in a supportive role alongside them during any informal resolution process.

- For Students, this Support Person will normally be the Douglas Students' Union Ombudsperson, a College Counselor or a person from Indigenous Student Services;
- For unionized Employees, this Support Person will normally be a steward or union representative;
- For non-unionized Employees, this Support Person will normally be another administrator.

The person facilitating or mediating the informal resolution process may consider requests for others to serve as Support Persons they are particularly encouraged to consider intersectional factors of vulnerability and/or systemic barriers faced by persons from underrepresented or marginalized groups and to be receptive to inclusion of other Support Persons where such inclusion would serve to lessen such barriers or marginalization.

4. The Complainant or Respondent may withdraw their participation from an informal resolution process at any time.

#### Submitting a Complaint of Alleged Non-academic Misconduct

If the matter cannot be resolved informally, or if the affected member(s) of the College Community do not wish to pursue informal resolution a Complaint may be filed in accordance



- Where the Complainant has attempted to resolve the alleged violation(s) informally, the details about and results of those efforts; and
  - Any relevant documents, such as text messages, emails or social media communications.
4. Where the Complaint involves more than one Respondent, Complainants are encouraged, to the extent practicable, to address allegations about each Respondent separately
  5. A Complainant has the right to withdraw a Complaint at any stage of the process. However, the College may continue to act on the issue(s) identified in the Complaint if it is obligated by law or policy to do so

#### Initial Review of Complaints

1. Upon receipt of a Complaint, the Responsible Administrator (RA) will within two (2) business days respond to the Complainant to acknowledge receipt of the Complaint and conduct an initial review to determine whether any immediate interim measures are warranted to ensure the safety of all Parties in the working learning and/or living environment, pending full review of the Complaint. Where interim measures are warranted, the College will put



4. Where the misconduct is alleged to have taken place at an off-campus location (e.g., a practicum setting or worksite), the College will pursue appropriate action and investigation with the appropriate level of administration for that off-campus setting.
5. The College will advise participants in the investigation of the option to have a Support Person present for interviews:
  - For Students, this Support Person will normally be a representative of the Douglas Students' Union, a counselor or a person from Indigenous Student Services.
  - For unionized Employees, this Support Person will normally be a steward or Union representative.
  - For non-unionized Employees, this Support Person will normally be someone from the Human Resources department or from the same Employee group as the participant.

The Investigator has discretion to consider requests for others to serve as Support Persons. Investigators are encouraged to consider intersectional factors such as vulnerability and/or systemic barriers faced by persons from underrepresented or marginalized groups, and to be receptive to inclusion of other Support Persons where such inclusion would serve to lessen such barriers or marginalization.

6. Investigations (including the preparation of the Investigator's report) will be completed expeditiously, and normally within twenty (20) business days of an Investigator's receipt of a Complaint. If during the course of an investigation the Investigator believes that this time cannot be met, the Investigator will contact the Complainant, the Respondent, and the Responsible Administrator (RA) as soon as possible to inform them of the revised timeline. Where the RA who received the Complaint is conducting the investigation, that RA will also notify other College administrators (e.g., the Director, Safety, Security and Risk Management or Vice President, Student Affairs) as appropriate.
7. Investigations are not adversarial. (t)-2.9 9ad f EMCL Tw 0.22t8.6 (o)-6.s93 (s)-1.3Td ( ).5d13 /MCID 36

- b. Meeting separately with or requesting further information from the Complainant;
  - c. Meeting separately with or requesting further information from the Respondent;
  - d. Meeting separately with or requesting further information from any other individuals who may have information relevant to the investigation;
  - e. Obtaining any other evidence that may be relevant to the investigation.
10. At the completion of the investigation, the Investigator will submit a written report to the Responsible Administrator (RA) who appointed the Investigator. Where the RA who received the Complaint is conducting the investigation, that RA also notify other College administrators (e.g. the Director, Safety, Security and Risk Management, Vice President, Student Affairs and the SAs).

- c. The Respondent will be notified of the Responsible Administrator's (RA) decision regarding disciplinary or other measures to be taken against the Respondent.
    - d. The Respondent will be notified of the option to appeal, as described below.
2. If the Investigator's report determines that College policy has not been violated, the RA dismisses the Complaint and so notifies the Complainant and the Respondent. The Complainant will be notified of the option to appeal, as described below.
3. Whether or not the Investigator's report determines that Non-academic Misconduct has occurred, or that this and/or any other College policy has otherwise been violated, the RA may
  - a. Direct Parties to the investigation or other members of the College Community affected by the Complaint or by the investigation to participate in workshops, education or training, or recommend that they participate in mediation or restorative processes; or
  - b. Refer the Investigator's report, or the relevant portions of it, to the appropriate College authority if the RA believes that the report discloses other kinds of Misconduct or information that the College may need to act on under another College policy or process.
4. A finding of Non-academic Misconduct and any sanctions imposed on a Respondent will form part of the Respondent's official Student record. The Office of Enrolment Services must be notified to



5. To maintain the integrity of the investigation process, the College must ensure that both Complainants and Respondents know the Investigator's findings.
6. Under the [Freedom of Information and Protection of Privacy Act](#), the College will authorize the disclosure of disciplinary actions it has taken against a Respondent only if such disclosure is necessary for compelling health or safety reasons (e.g., the College will normally inform Complainants of any restrictions that may have been imposed upon the Respondent's movements or activities).

#### Retaliatory Action, Breaches of Confidentiality, and Complaints Made in Bad Faith

1. Where a member of the College Community is found to have engaged in Retaliatory Action, including filing a Complaint under this policy as an act of retaliation to have breached the confidentiality requirements in this policy, the College may take appropriate disciplinary action.
2. Where a member of the College Community is found to have filed a Complaint in bad faith, the College may take appropriate disciplinary action.