

Procedure Information	
Related to Policy No:	E-1.45
Approved by:	Executive Committee
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Executive Responsible:	Vice President Student Affairs
Administrator Responsible:	Director Student Services
Date of Next Review:	June 2026

STUDENT (NON-ACADEMIC) CONDUCT PROCEDURES

Definitions

Non-Academic Misconduct is defined in the policy document with a non-exhaustive list of examples that may be managed through the non-academic conduct procedures.

Student is a person registered in any course or program offered by the College of New Caledonia. Persons are still considered students for the purpose of this policy if they have informed the College that they are on a scheduled program break and expect to register in the next major term.

Complainant is the individual who makes an allegation of non-academic misconduct. The College may take steps under this policy as the Complainant.

Respondent is the Student alleged to have violated this policy.

Investigator is the individual investigating the allegation of non-academic misconduct on behalf of the College. The College may appoint an Investigator who is external to the College.

Investigation is an information gathering and assessment process used to determine the nature and circumstances of alleged non-academic misconduct.

Behaviour Intervention Team (BIT) is a group formed at the discretion of the Director of Student Services (DSS) or designate to advise and make recommendations to the Director of Student Services or designate regarding:

- i. whether a complaint should be investigated;
- ii. whether interim measures should be implemented;
- iii. whether the allegation is likely to have occurred; and
- iv. corrective measures.

BIT members vary case by case and are selected by the DSS or designate based on the nature of the case. The DSS may receive recommendations and advice from the BIT but is responsible for final decisions and is not required to follow recommendations and advice from the BIT.

Corrective measures are imposed by the College to address, correct, or mitigate student non-academic misconduct. More than one corrective measure may be imposed at one time. Corrective measures include but are not limited to: coaching, community service, educational project or assignment, letter of apology, letter of reprimand, official warning, loss of college privilege, mediation/conflict resolution, no-contact directive, no-trespass directive, verbal warning, temporary or permanent removal from Campus Housing, behavioral contract, and temporary or permanent Suspension from a course, program, or the College. Details of any corrective measure imposed are stored in the Student's permanent file (see the section titled Record Keeping below).

Behavioural Contract outlines the conditions under which a Student remains enrolled, or is permitted to re-enroll, in the College as long as the Student agrees to abide by the conditions of the contract and with the understanding that further violations would result in further corrective measures.

Removal from a course or program is the involuntary removal of a Student from their current course or program for the balance of the semester, a specified period of time, indefinitely, or permanently. This may include a failing grade (Fail "F" or Unsuccessful "U") in all registered courses. Removal differs from Suspension in that the Student may still be permitted to register for classes outside of the specified course or program.

Suspension is an involuntary separation of the Student from the College for a specified period of time, indefinitely, or permanently. This may include a failing grade (Fail "F" or Unsuccessful "U") in all registered courses. The Vice President Student Affairs (VPSA) may recommend a Suspension from the College. Suspensions may only be imposed by the President.

Procedures

1. Informal Resolution

- 1.1. The College recognizes that many disputes or incidents can be resolved informally by mutual agreement without submitting an allegation under this policy. Wherever possible, members of the College community are encouraged to use respectful and direct communication to resolve such disputes or incidents informally by way of apology, conciliation, education, consultation, or mediation.

2. Submission of Allegation of Non-Academic Misconduct

- 2.1. Where informal resolution is not possible or appropriate, a College community member or other person(s) who believes that a Student has committed non-academic misconduct may submit an allegation in writing to the DSS or designate using the *Student (Non-Academic) Conduct Incident Report Form*.
- 2.2. Complainants are encouraged to submit allegations as soon as possible after the incident occurs.

- 2.3. The Regional Principal will serve as the DSS designate at a regional campus.
- 2.4. College community members are encouraged to access support from Human Resources, Student Services, Aboriginal Resource Centers, International Education, the CNC Student Union, or other departments as appropriate when submitting or responding to an allegation, or at any stage of the process.
- 2.5. Potential incidents of non-academic misconduct may be reviewed or investigated by the College, even in absence of the submission of an allegation in writing.

3. Interim Measures

- 3.1. The College may impose interim measures before an investigation is concluded where immediate action is required to protect College community members' health, safety, and/or College property. Interim measures will be determined, documented, distributed, and maintained by the DSS or designate on a case-by-case basis.
- 3.2. When the health or safety of an individual is potentially at risk, the College will inform them of relevant interim measures taken to protect their health and safety.
- 3.3. Interim measures will remain in effect until resolution of these procedures is achieved or, at the discretion of the DSS or designate, amended or removed.
- 3.4. Where the incident involves law enforcement or other internal or external investigations, interim measures may remain in effect until all relevant investigations are concluded.
- 3.5. Interim measures may be appealed by letter written directly to the VPSA at any point during which the measures remain in place. The VPSA may choose to uphold, modify, or remove an interim measure. The decision of the VPSA is final.

4. Preliminary Review of Allegation

- 4.1. When an allegation of non-academic misconduct is submitted, the DSS or designate will review the allegation and may decline to proceed with an investigation in cases where they are of the opinion that:
 - 4.1.1. there is insufficient information to proceed with the investigation;
 - 4.1.2. the allegation falls within the scope of another College policy, procedure, or regulation and it is more appropriate to proceed under that policy, procedure, or regulation;
 - 4.1.3. the allegation does not constitute a violation of, or is outside the scope of, the Student (Non-Academic) Misconduct policy;
 - 4.1.4. an unreasonable amount of time has elapsed since the alleged incident, such that it would preclude resolution of the allegation;
 - 4.1.5. the allegation has been or should be addressed by another process; or
 - 4.1.6. the allegation is trivial, false, frivolous, or vexatious.
- 4.2. The DSS may choose to establish a BIT to assist with the review of the allegation and the decision to proceed.
- 4.3. Where the DSS or designate declines to proceed with the investigation of an allegation, the Complainant will be notified of the decision in writing within five (5) business days of

the DSS receiving the allegation and provided with the rationale for the decision not to investigate. The DSS may decide to proceed with an investigation at a later date if new information changes the circumstances.

- 4.4. Where the DSS or designate decides to proceed with an investigation, they will notify the Complainant and Respondent in writing within five (5) business days of receiving the allegation.

5. Notification of Investigation

- 5.1. Where it is determined that an investigation will be undertaken, within five (5) business days of the allegation, the Respondent will be provided in writing with:
 - 5.1.1. a notice of the allegation sufficient to allow the Respondent to understand the nature of the allegation (subject to any redactions made in response to health or safety concerns), including the material details of the allegations being made;
 - 5.1.2. a description of interim measures, when relevant;
 - 5.1.3. a timeline for providing relevant documentation;
 - 5.1.4. a proposed interview date and time (including notice of the right to reschedule within reasonable timeframes and under reasonable circumstances);
 - 5.1.5. information on available support services; and
 - 5.1.6. access to a copy of the Student (Non-Academic) Conduct policy, procedures, and other relevant College policies or documents.

6. Investigation

- 6.1. The decision for an investigation will be determined by the DSS or designate. The investigation will be conducted by the DSS or the DSS may select a designated Investigator. A designated Investigator may be an internal college member or be an external member to the College.
- 6.2. As part of the investigation, the Investigator will gather and review relevant information and may conduct interviews as appropriate with the Complainant, pertinent College staff, and any witnesses to the alleged incident.
- 6.3. The Investigator will conduct an interview with the Respondent to review the allegation and the information collected in the investigation. The Respondent may bring a support person to the interview. The support person will act as observer and not participate in the interview unless asked by the Investigator.
- 6.4. Upon completion of the investigation, the Investigator will prepare an investigation report including a determination based on the balance of probabilities whether non-academic misconduct occurred. In instances where the Investigator is not the DSS, the Investigator will provide the DSS or designate with the investigation report.
- 6.5. A decision will be made based on available information in a case where the Respondent does not attend a scheduled interview or otherwise does not provide a full response to the complaint and/or chooses not to participate with the investigation.

7. Corrective Measures

- 7.1. To further assist with the decision of determining if the complaint is substantiated, the DSS may establish a BIT. The BIT will review the Investigator's determination of the case and provide advice to the DSS as to whether the complaint is substantiated.
- 7.2. In cases of confirmed non-academic misconduct, corrective measures may be applied separately or in combination with other corrective measures. To assist in determining appropriate corrective measures, the DSS or designate may establish a BIT. While the DSS or designate may receive recommendations from the BIT, the DSS or designate is responsible for the final decision on corrective measures and is not required to follow recommendations of the BIT.
- 7.3. In determining appropriate corrective measures, consideration may be given to factors including:
 - 7.3.1. student disciplinary history;
 - 7.3.2. the seriousness and impact of the Respondent's conduct on the Complainant or other individuals, College community, a College activity or event, or the College's reputation or property;
 - 7.3.3. whether the incident was isolated;
 - 7.3.4. whether the incident was inadvertent or deliberate;
 - 7.3.5. related financial costs; and
 - 7.3.6. any other mitigating factors.
- 7.4. The DSS or designate may determine corrective measures up to, but not including, Suspension from the College. Only the President may suspend a Student from the College.
- 7.5. Failure to complete or abide by corrective measures is considered to be a further violation of this policy.
- 7.6. The Office of the Registrar may place a hold on a Respondent's registration account if required to ensure compliance with corrective measures.

8. Suspension of a Student

- 8.1. Where, after completing the investigation, the Investigator confirms on a balance of probabilities that non-academic misconduct has occurred and an appropriate corrective measure may include Suspension, the DSS or designate will forward the appropriate information to the VPSA who will in turn, assess the information and issue a recommendation to the President. Final decisions on suspension from the College will be determined only by the President.

9. Notice of Decision and Corrective Measures

- 9.1. The decision, corrective measures, and reasons for decisions will be decided and communicated by the DSS or designate to the Respondent and Complainant within ten (10) business days of the conclusion of the investigation. In cases of suspension, the DSS

and VPSA will prepare a draft for the President to communicate with the Respondent and Complainant.

- 9.2. Communications of the decision will be made by registered and electronic mail to the Respondent and the Complainant.
- 9.3. Relevant College employees will receive the outcomes of the decision with as much information as necessary and in confidence.
- 9.4. In situations where the decision or corrective measures affect the Respondent's standing with the College (such as removal from a course, program, or suspension), the decision will be forwarded to the Office of the Registrar and included in the student's record.

10. Timelines

- 10.1. In some rare and extenuating circumstances, the Investigator may not be able to adhere to the timelines set out in these procedures. In this case, the timelines may be extended and the Respondent and Complainant will be notified.

11. Grounds for Appeal

- 11.1. A Respondent may not appeal a decision based solely on disagreement with the corrective measures imposed. Appeals can be made on the following grounds:
 - 11.1.1. The procedures outlined in this policy were not followed by the original decision-maker, and this has resulted in the Student not receiving a fair process; or
 - 11.1.2. Relevant evidence has become available that was not reasonably available at the time of the original decision and there is a substantial likelihood that the evidence would affect the outcome of the decision.

12. Appeal of Corrective Measures

- 12.1. Appeals of corrective measures up to but not including suspension from the College are made to the Vice President Student Affairs or designate, who will decide the appeal.
- 12.2. A Respondent may appeal corrective measures within five (5) business days of the notice of decision being communicated, provided there are sufficient grounds for appeal. An extension of time to submit an appeal may be granted in reasonable circumstances as determined by the Vice President Student Affairs or designate, or, in cases including a suspension from the College, the Board Chair.
- 12.3. For all appeals, corrective measures will remain in place until the appeal has been decided unless otherwise determined by the VPSA or the DSS.
- 12.4. An appeal of the President's decision to suspend a Student from the College is made to the Chair of the CNC Board of Governors (Board Chair).

13. Appeal Procedures - Corrective Measures Not Including Suspension

- 13.1. Corrective measures may be appealed, in writing, using the *Student (Non-Academic) Conduct Appeal Form*. The VPSA or designate will review the written statement of appeal

and all other material submitted and will determine if there are sufficient grounds to allow the appeal.

- 13.2. If the VPSA determines that the appeal should be allowed, they can uphold the original corrective measures, reverse the original decision, or substitute new corrective measures, up to and including recommending suspension from the College.
- 13.3. The decision of the VPSA or designate will be final and will be communicated to the Student in writing within ten (10) business days of receipt of the Student's appeal.

14. Appeal Procedures - Corrective Measures That Include Suspension from the College

- 14.1. Suspension from the College may be appealed, in writing, using the *Student (Non-Academic) Misconduct Appeal Form*.
- 14.2. Within ten (10) business days of receiving the Student's appeal, the Board of Governors (Board) will appoint an appeal committee of no fewer than three (3) members of the Board, other than the President, to consider the appeal. The appeal committee will review the written statement of appeal and all other material submitted and determine if there are sufficient grounds to proceed with the appeal.
- 14.3. If grounds for appeal are not met, the appeal committee will notify the Student and the process concludes. If the appeal committee has determined that there are grounds for appeal, the Board Committee will ensure that the student receives the following:
 - 14.3.1. A description of the process followed during the investigation;
 - 14.3.2. A summary of the facts found by the President; and
 - 14.3.3. An explanation from the President as to why the President believes the suspension is appropriate.
- 14.4. In response to the appeal, the Board may, in its discretion:
 - 14.4.1. Deny the appeal summarily on the basis the appeal would not substantially affect the previous decision;
 - 14.4.2. Request further written submissions;
 - 14.4.3. Render a decision based on the written submissions alone;
 - 14.4.4. Conduct a hearing to obtain submissions from all parties involved; or
 - 14.4.5. Undertake any other steps the Board considers are appropriate to uphold the principles of fairness and due process.
- 14.5. The Board committee's decision will be on the basis of a majority vote of the members of the appeal committee and the Board committee will normally provide written reasons for its decision within sixty (30) days of the commencement of the appeal. The Board may uphold the suspension, reverse the decision, or substitute new corrective measures.
- 14.6. The decision of the Board will be final.

15. Other Proceedings

- 15.1. The commencement of other proceedings, such as criminal proceedings, civil proceedings, collective agreement grievances and arbitrations, and human rights

complaint, in respect of allegations that form the basis of a Complaint under this policy, unless by operation of law, will not bar the College from taking steps to investigate the Complaint and make its own determination.

- 15.2. Where such other proceedings are commenced, the College will determine whether or not to proceed with its investigation into the Complaint or hold its investigation in abeyance pending those proceedings.

16. Re-applying to College

- 16.1. Students who have been removed from a course or program for non-academic misconduct, must have the prior written approval of the Director of Student Services, or designate, and the relevant Dean or designate, in order to re-apply. A copy of the written approval will be sent to the Office of the Registrar to be included in the student's record.
- 16.2. Students who have been suspended for non-academic misconduct must have the prior written approval of the President or designate for re-admittance. To request written approval from the Director of Student Services, Dean, or President, the student will provide a written rationale for re-admission. In the case of re-admission after suspension, the written rationale will be delivered to the Executive Office. For re-admission after removal from a class or program, the written rationale will be delivered to the Director of Student Services. A copy of the written approval will be sent to the Office of the Registrar to be included in the student's record.
- 16.3. There may be restrictions or conditions imposed to ensure appropriate conduct of a student that is re-applying.

17. Record Keeping

- 17.1. Investigative reports, records of proceedings, and a copy of the notice of decision are confidentially maintained by the Office of the VPSA.
- 17.2. Records relating to non-academic misconduct proceedings will be kept for a period of no fewer than seven (7) years following the completion of all actions pertaining to the incident.
- 17.3. After this time, records may continue to be kept on file at the discretion of the VPSA and will otherwise be confidentially destroyed.

Links to Other Related Policies, Forms, Documents and Websites

Student (Non-Academic) Conduct Incident Report Form
Student (Non-Academic) Conduct Appeal Form
Academic Conduct Policy #E-1.29 and related procedures
Student Sexual Misconduct Policy #E-1.41 and related procedures
Respectful Workplace Policy #AD-HR-1.10 and related procedures
Substance Use and Abuse Policy #AD-HR-1.24
Social Media Accounts Policy #AD-CO-4.09
BC College and Institutes Act

Procedure Amendment Log

Amendment Number:	Date:
0	October 2019 (Previously Standards of Conduct: Student Responsibility and Accountability)
1	June 16, 2021
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Table 1. Non-Academic Misconduct Procedure Summary

Table 1 summarizes the steps followed when there is an allegation of non-academic misconduct received by the College. A full description of each step follows the table.

Formal Complaint and Resolution	Timeline*	Who?
1. Informal resolution		Complainant and Respondent
2. Submission of allegation	5 days	Complainant
3. Interim measures		Director, Student Services**
4. Preliminary review of allegation		Director, Student Services**
5. Notification of investigation		Director, Student Services**
6. Investigation		Director, Student Services** or External Investigator
7. Corrective measures (except suspension)	10 days	Director, Student Services**
8. Suspension		Recommendation by Vice President Student Affairs, final decision by President
9. Notice of decision: a. Suspension b. Other corrective measure		President Director, Student Services
Appeal	5 days	Respondent
Decision on appeal: Suspension	30 days	Board of Governors
Other corrective measure	10 days	VP Student Affairs or Designate

*Extenuating circumstances may require extending timelines.

** The Director, Student Services, may identify a designate to carry out these responsibilities.