



STUDENT NON-ACADEMIC MISCONDUCT POLICY

<b>Policy Name:</b> Student Non-academic Misconduct	<b>Responsible Owner:</b> Vice President, Student Affairs	<b>Created:</b> 1999
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A. PURPOSE

Douglas College (the College) is committed to providing a working and learning environment that is safe, inclusive and free from Bullying and Harassment and other forms of Non-academic Misconduct, an environment in which all members of the College Community are treated with civility, dignity and respect. This policy articulates the obligation of all Students to behave in a manner consistent with this commitment and with published [College Values](#), and it establishes a framework for responding to and resolving Complaints against Students for Non-academic Misconduct.

B. SCOPE

This policy applies where Non-academic Misconduct is alleged to have been committed by one or more Student(s) and where the alleged incident(s) occurred

- a. on College Property;
- b. off College Property in connection with a College-related Event or Activity sponsored by or under the auspices of the College; or
- c. in other circumstances that may adversely affect the working or learning environments at the College, or the College’s interests or reputation.

Limitations of Scope

This policy does not apply to alleged incident(s) of Misconduct relating strictly to matters of academic integrity (e.g., plagiarism, cheating); in such matters, see the *Academic Integrity* policy.

This policy is not intended to prohibit the respectful expression of differing viewpoints or peaceful protest; nor is it intended to fetter Students in their free pursuit of scholarly knowledge or their 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; and
- 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 a College 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, application of 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 centres, 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 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 Property but within the exclusive control of an organization or group external to the College are not deemed College-related.

**Complainant:** A person who files a Complaint, whether that person has observed or been victim of the behaviour that constitutes an alleged violation of a policy. In instances where the College becomes aware of alleged Non-academic Misconduct and no person comes forward with a Complaint, or where an investigation is required by law, the College may act as Complainant.

**Complaint:** A written statement alleging violation(s) of policy.

**Disruptive and/or Inappropriate Conduct:** See "Non-academic Misconduct," below.

**Investigator:** A person appointed by the College to investigate a Complaint; may be an internal representative of the College or a person external to the College.

**Non-academic Misconduct:** Any behaviours contrary to the College's commitment to providing a working and learning environment consistent with published [College Values](#) (i.e., an environment that is safe and inclusive and in which all members of the College Community are treated with civility, dignity and respect), and which therefore violate this policy and are prohibited. A breach of this policy may consist of a single significant incident or behaviour that is repeated and persistent, and may involve conduct that occurs in person and/or online.

Forms of Non-academic Misconduct include but are not limited to the following:

- a. **Bullying and Harassment:** Any inappropriate conduct or comment towards a person (the recipient) by another person who knew or ought reasonably to have known would cause the recipient to be humiliated or intimidated.

Examples of Bullying and Harassment include, but are not limited, to the following:

- Words, gestures, actions or practical jokes, the natural consequence of which is to humiliate, ridicule, insult or degrade, or create an atmosphere of anxiety or disrespect;
- Spreading malicious rumours or untruths;
- Threats or intimidation;
- Vandalizing personal belongings;
- Persistent rudeness, taunting, patronizing behaviour; or
- Other conduct that adversely affects working and/or learning conditions and/or work or academic performance.

Freely and respectfully expressing reasonable opinions and differences of opinion does not constitute Bullying and Harassment.

- b. **Disruptive and/or Inappropriate Conduct:** Behaviours that do not meet the definition of Bullying and Harassment but that a reasonable person would consider run contrary to the College's commitment to ensure a working and learning environment that is consistent with published [College Values](#) (i.e., an environment that is safe and inclusive and in which all members of the College Community are treated with civility, dignity and respect) and/or that interfere with normal College operations.

Disruptive and/or Inappropriate Conduct includes but is not limited to behaviours that do the following:

- Create significant disruption to the learning environment or impede the instructional process or the delivery of College services;
- Contravene published rules, regulations, procedures or common standards of safety, including regulations/protocols for specific locations within the College (e.g., laboratories, libraries and the gymnasium), and facilities used in partnership with other parties (e.g., Pinetree Community Centre, practicum work sites);

- Endanger or threaten to endanger the health or safety of members of the College Community or subject any member of the College Community to potential injury; or
- Damage, deface or destroy College Property.

**Parties:** The Complainant(s) and Respondent(s) named in a Complaint.

**Respondent(s):** A person or persons alleged to have engaged in conduct that violates policy.

**Responsible Administrator (RA):** An executive of the College or an administrator responsible for the operations of a College department, Faculty or service area (e.g., Dean, Director, Chief Information Officer, Registrar).

**Retaliatory Action:** Any adverse action taken against a person because that person reports or alleges a violation of policy, seeks advice on making a Complaint, makes a Complaint, or cooperates in an Investigation of a Complaint.

**Student:** A person who is enrolled in studies at the College in credit or non-credit courses.

#### D. POLICY STATEMENTS

1. Douglas College is committed to providing a working and learning environment that is safe, inclusive and free from Bullying and Harassment and other forms of Disruptive and/or Inappropriate Conduct; an environment in which all members of the College Community are treated with civility, dignity and respect. Non-academic Misconduct on the part of Students undermines these objectives and is prohibited.
2. Students, along with all members of the College Community, have the right to expect, and the responsibility to create and sustain, a respectful College environment that is free from all forms of Non-academic Misconduct.
3. The College recognizes its responsibility to prevent Non-academic Misconduct through ongoing awareness programs to educate Students and other members of the College Community about the issues addressed in this policy.
4. The College encourages and expects the reporting of all alleged violations of this policy, regardless of whether the person reporting the alleged violation is a victim or an observer of such conduct.
5. The College encourages reporting at the earliest opportunity, so that it can ensure the ongoing safety, civility and inclusivity of the working and learning environment, and to increase the likelihood that evidence, including documents and witness testimony, remains available and reliable. Complaints under this policy should normally be submitted to the College within four (4) months of the date of the conduct giving rise to the Complaint.
6. Students and other members of the College Community who file a Complaint regarding an incident of Non-academic Student 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 support services and resources;
  - Timely consideration of appropriate academic, workplace or other accommodations, where warranted, and sensitivity to circumstances that might reasonably cause distress for either Party (e.g., avoiding contact between the Complainant and Respondent during the Investigation);
  - A clear explanation of the Investigation and decision-making process;
  - A procedurally fair and unbiased investigative process, conducted in accordance with the principles of natural justice;
  - Regular updates on the status of the process; and
  - A summary of the findings of the investigation.
7. Students who are accused of violating this policy can expect the College to provide the following:
- Compassion, dignity and respect in the handling of the Complaint and any subsequent Investigation;
  - Timely information about available College support services and resources;
  - Information on the options available to them; and
  - Where a Complaint is filed, a clear explanation of the investigation and decision-making process;
  - A procedurally fair and unbiased process;
  - Regular updates on the status of the process; and
  - A summary of the findings of the investigation.
8. The College reserves the right to investigate any conduct alleged to be in violation of this policy within four (4) months of the date on which the RA becomes aware of the alleged Misconduct.
9. The College recognizes its responsibility to provide procedures to respond to Complaints made under this policy, including, where necessary, providing an appropriate remedy to a Complainant where Non-academic Misconduct is found to have occurred, and imposing sanctions for violations of this policy, up to and including suspension.
10. The College reserves the right to initiate an internal investigation and/or to inform the relevant law enforcement agency without the consent of the person reporting an incident if the College has reasonable belief that the safety of a member of the College Community is at risk.
11. Pending the resolution of a Complaint, the College reserves the right to implement any immediate interim measures it considers necessary to protect the College Community or any of its members. Such measures may include, but are not limited to, directing the Complainant, Respondent, witnesses or other parties to cease engaging 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 one 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.

12. Complaints of Student 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 such Misconduct will feel free to come forward, and the reputations and interests of those accused are protected. All members of the College Community who are involved in Complaints or investigations regarding alleged violations of this policy must maintain the confidentiality of any information they receive during the course of the process.
13. Students and other members of the College Community have the right to pursue other processes external to the College in connection with the alleged Non-academic Misconduct, such as reporting a matter to the police, initiating civil action or filing a complaint under the BC [Human Rights Code](#). If another course of action is pursued, the College may elect to continue with the process under this policy or temporarily suspend its internal process pending the outcome of the external process.
14. Retaliatory Action of any kind is prohibited; it is considered misconduct and a violation of policy.

## E. PROCEDURES

### I. Reporting Alleged Violations of this Policy

1. The College encourages and expects members of the College Community to Report all incidents of alleged Student Non-academic Misconduct, regardless of whether the person making the Report is a victim or an observer of the conduct. In order to ensure the safety of the working and learning environment and the likelihood that evidence, including documents and witness testimony, remains available and reliable, Reports should be made at the earliest opportunity. Misconduct in the context of a classroom or participation in a course should be reported to the course instructor; Misconduct outside of a classroom or course context should be reported to Campus Security.
2. The College expects that victims or witnesses of alleged instances of Student Non-academic Misconduct will keep written accounts of incidents to submit with any Complaints.
3. Reports by a third-party witness to alleged Student Non-academic Misconduct must be submitted in writing.

### II. Informal Resolution

1. Members of the College Community who believe they have been subject to or witnessed Student Non-academic Misconduct and feel comfortable doing so are encouraged to attempt to resolve the situation by bringing the matter to the attention of the Student(s) engaging in

the conduct, advising them that the conduct is unwelcome and contrary to this policy, and asking that the conduct cease immediately.

2. Members of the College Community may seek assistance in resolving the matter informally. Informal resolution may include a cooperative and voluntary process, such as a facilitated or mediated conversation between the Parties, a restorative justice process or a healing circle, as appropriate. A College Employee may serve as mediator in such a conversation or process, or consult with a RA or Human Resources Advisor for more appropriate referral. Any of the Parties may elect to invite an appropriate College support person to participate in a supportive role alongside them during any informal resolution process.
  - a. For Students, this support person will normally be the DSU Ombudsperson, a College Counselor or a person from Indigenous Student Services;
  - b. For unionized Employees, this support person will normally be a steward or union representative;
  - c. For administrators, 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 socially marginalized groups, and to be receptive to inclusion of other support persons where such inclusion would serve to lessen such barriers or marginalization.

3. Either Complainant or Respondent may withdraw their participation from an informal process at any time.

### III. Filing a Complaint

If the matter cannot be resolved informally, or if the affected member(s) of the College Community do not wish to pursue informal resolution, they may file a Complaint in accordance with the procedure outlined in *Filing a Complaint Relating to Misconduct at Douglas College* [under development].

Students are also encouraged to consult *Conduct Concerns at Douglas College: A Plain-Language Guide for Students* [under development] for additional information on what to expect from an investigation.

### IV. 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, or to have breached the confidentiality requirements in this policy, the College may take appropriate disciplinary action.

2. Where an investigation determines that a Complaint was filed in bad faith, the College may take appropriate disciplinary action.

## F. SUPPORTING FORMS, DOCUMENTS, WEBSITES, RELATED POLICIES

### [Administration Policies](#)

- *Bullying and Harassment Prevention and Response*
- *Human Rights*
- *Sexual Violence and Misconduct Prevention and Response*
- *Violence Prevention and Response*

### [Douglas College Values](#)

## G. RELATED ACTS AND REGULATIONS

- [Freedom of Information and Protection of Privacy Act](#) [RSBC 1996], c. 165
- [Human Rights Code](#) [RSBC 1996], c. 210
- [Workers Compensation Act](#) [RSBC 2019], c. 1

## H. RELATED COLLECTIVE AGREEMENTS

N/A