


Policy Name:	PERSONAL STUDENT MISCONDUCT	
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Policy Holder:	Student Services and Registration	
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Category:	Administrative	

PERSONAL STUDENT MISCONDUCT

1.00 PURPOSE

To provide a safe and peaceful educational environment characterized by civility, individual integrity, social responsibility and respect for diversity.

2.00 DEFINITIONS

2.01 **Appeal:** A process that provides a student who has been sanctioned or suspended for violating the Student Code of Conduct an opportunity to have the decision reviewed by a previously uninvolved third party.

2.02 **Behaviour Intervention Team:** Group of people who provide ongoing support to students by meeting on a regular basis to discuss ongoing individual student issues. Made up of Director Ancillary Services, Registrar, Director Student, and appropriate faculty or staff as needed.

2.03 **College-related activities:** Any activity occurring on College grounds or as part of an educational program or administrative action and including online or distance education; practicum, field education, off-site training, or work terms required by a program of study at CMTN and; College-endorsed activities and events.

2.04 **Investigation:** An information gathering and assessment process used to determine the nature and circumstances of alleged misconduct, matters and credibility and whether it is more probable than not, that a breach of this policy has occurred. The investigation may include, but it is not limited to, the collection and review of written statements, witness interviews, notes, logs, papers, assignments, digital and print records, and any other relevant material.

2.05 **Sanction:** A consequence imposed on a student for misconduct.

- 2.06 **Student:** An individual who is registered in a course or program at the College or who has been registered in a course or program at the time the alleged misconduct occurred.
- 2.07 **Suspension:** A complete interruption of the educational progress of a student for a specified period of time.
- 2.08 **Temporary Removal:** An immediate, non-disciplinary, time-limited removal of a student from the College environment.

3.00 POLICY

- 3.01 All students are expected to adhere to this policy while engaging in College-related activities as well as activities not directly College-related, but likely to interfere with the achievement of the College's mission.
- 3.02 When a rule, regulation, or policy of the College prohibits or proscribes certain conduct but does not provide any penalty for breaches of the rule, regulation, or policy, breaches shall be dealt with under this policy.
- 3.03 Students are expected to conduct themselves in a mature, civil and respectful manner and must:
 - 3.03.01 Comply with all relevant federal, provincial and municipal laws;
 - 3.03.02 Comply with all College policies; and
 - 3.03.03 Respect the College and members of the College community.
- 3.04 Prohibited conduct includes, but is not limited to, engaging in, attempting to engage in, or assisting others to engage in any of the actions described below:
 - 3.04.01 Misconduct against persons
 - 3.04.01.01 Physically aggressive behavior, assault, sexual misconduct, harassment, intimidation, threats or coercion.
 - 3.04.01.02 Conduct that threatens or endangers the health, safety, or property of any person; creates conditions that endanger the health, safety, property, or well-being of any person.
 - 3.04.01.03 Engaging in a course of vexatious conduct, harassment, bullying or discrimination that is directed at one or more specific persons and that is based on any of the protected grounds under the BC Human Rights Code.

- 3.04.01.04 Interfering with the student conduct process including interfering with an investigation.
 - 3.04.01.05 Engaging in unwelcome or persistent conduct that the student knows, or reasonably ought to know, would cause another person to feel demeaned, intimidated, or harassed.
 - 3.04.01.06 Engaging in any speech or action that disrupts the ability of other students to learn and/or the ability of instructors to teach.
 - 3.04.01.07 Recording any business of the College, including conversations, lectures, demonstrations, and presentations without authorization.
- 3.04.02 Misconduct against property
- 3.04.02.01 Taking without authorization, or misusing, destroying, defacing, or damaging College property or property that is not their own, or information or intellectual property owned by the College or by any of its members.
 - 3.04.02.02 Possessing College property or property that is not owned by the student, if the student knows, or reasonably ought to know, that the property is in their possession without authorization.
 - 3.04.02.03 Creating a condition that unnecessarily endangers or threatens destruction of College property or property that is not their own.
- 3.04.03 Disruption
- Any action, threat or otherwise, that disrupts any activity organized by the College or the right of other persons to carry on their legitimate activities, to speak or to associate with others.
- 3.04.04 Unauthorized use of College Facilities, Equipment or Services
- 3.04.04.01 Use of any facility, equipment, or service of the College, or entering or remaining on any premises, to which they do not have legitimate access, or contrary to the expressed instruction of authorized persons.

- 3.04.04.02 Use of any College computing equipment, facility, network, or system for any disruptive or unauthorized purpose, or in a manner that violates any law, College regulation, policy or procedure.
- 3.04.04.03 Destroying, misplacing, misfiling, or rendering inoperable any stored information such as books, film, data files, or programs from a library, computer or other information storage, processing or retrieval system.
- 3.04.04.04 Tampering with fire safety, security or emergency equipment.

- 3.04.05 False Allegations
Bringing a false allegation against any member of the College under this Policy.

- 3.04.06 False Information and Identification.
Knowledge furnishing false information to any person or office acting on behalf of the College, or forging, altering or misusing any College document, record or instrument of identification, or knowingly furnishing false information to any person regarding their standing, status, or academic record at the College.

- 3.05 Aiding the Commission of Prohibited Conduct
Encouraging, aiding or conspiring with another student in the commission of prohibited conduct, or encouraging or aiding behavior by a non-student that, if committed by a student, would be prohibited under this policy.

- 3.06 Failure to Comply with a Direction of a College Representative
Failing to comply with a reasonable direction given by a College representative authorized to make such a direction.

- 3.07 Failure to Comply with a Sanction or other Disciplinary or Agreed Upon Measures
 - 3.07.01 Failing to comply with a sanction or other disciplinary measure or measures imposed under the Procedures of this Policy.
 - 3.07.02 Failing to comply with the terms of an agreement to take steps to correct or resolve a matter under this Policy.

- 3.08 Unauthorized Possession of Use of Dangerous Objects
Storing, possessing or using real or replica firearms or other weapons, explosives, (including fireworks) ammunition, or toxic or otherwise dangerous materials on College premises.
- 3.09 Alcohol or Drug Use
Using, possessing or distributing a controlled or restricted substance or contravene provincial liquor laws or policies of the College governing the possession, distribution and/or consumption of alcoholic beverages.
- 3.10 Hazing
Engaging in hazing, which is an act which endangers the mental or physical health or safety of a student for the purposes of initiation or admission into, affiliation with, or as a condition for continued membership in, a group or organization.
- 3.11 Contravention of other laws
Contravening any provision of the Criminal Code or any other federal, provincial or municipal statute or regulation.
- 3.12 The College may notify municipal, provincial, or federal authorities where, in the opinion of the College, a violation of this policy would fall within the jurisdiction of any of those authorities.
- 3.13 The College may temporarily remove a student from College-related activities in circumstances where such removal is required to:
- 3.13.01 Maintain a safe and productive environment pending the outcome of an investigation into alleged breaches of this policy.
 - 3.13.02 Protect the health or safety of any individual or the general public.
 - 3.13.03 Prevent imminent damage or destruction of College property, lands, or assets.
- 3.14 Prohibited behavior may result in the imposition of sanctions up to and including suspension from the College.
- 3.15 A student may appeal decisions regarding suspension or other sanctions in accordance with the appeal procedures associated with this Policy.

4.00 INQUIRIES

For any inquiries, please contact the Vice President, Education, Student and International

5.00 PROCEDURES – APPENDIX 1

5.01 **Response Procedures**

5.01.01 Authority

5.01.01.01 Employees, within the scope of their responsibilities, may intervene immediately as outlined in the steps below, when the conduct of a student is disruptive to the business of the College or is unsafe.

5.01.01.02 Instructors have the authority to manage the classroom and to take reasonable steps to correct student behavior when the conduct of a student is disruptive to the classroom or other instructional activities such as meetings, on-line discussions, College-sponsored field trips, practicum settings etc... or is unsafe.

5.01.01.03 All members of the College community have the authority to refer any student behavioural concern to Campus Safety and Security or Student Services for attention and response.

5.01.01.04 Manager, Campus Safety and Security (or delegate) has the authority to:

5.01.01.04.01 Intervene in situations where behavior poses an immediate risk of harm to self or others or is disruptive;

5.01.01.04.02 Temporarily remove a student from the College pending the outcome of an investigation, when removal necessary to ensure the environment meets normal expectations of safety.

5.01.01.04.03 Recommend permanent removal of a student from residences to the Director Ancillary Services.

- 5.01.01.05 Registrar (or delegate) has the authority to:
 - 5.01.01.05.01 Investigate or otherwise assess reported violations of the Student Code of Conduct;
 - 5.01.01.05.02 Make determinations regarding whether the code has been violated;
 - 5.01.01.05.03 Impose sanctions including conditions on continued participation in College related activities as defined in the Student Code of Conduct Policy;
 - 5.01.01.05.04 Make recommendations involving suspensions from the College; and,

- 5.01.01.06 When necessary to ensure an environment that is safe and conducive to working and learning, or pending the outcome of an investigation, the Registrar (or delegate) has the authority to:
 - 5.01.01.06.01 Set conditions for continued attendance and participation in College related activities;
 - 5.01.01.06.02 Temporarily remove a student from College-related activities;
 - 5.01.01.06.03 Temporarily restrict registration in a course or program;
 - 5.01.01.06.04 Temporarily restrict access to College services, programs, classes, campus facilities, individuals or events.

- 5.01.01.07 Vice President, Education, Student and International (or delegate) has the authority to hear appeals of sanctions, other than suspension.
- 5.01.01.08 President has the authority to suspend a student from the College.
- 5.01.01.09 Board of Governors has the authority to hear appeals of suspensions from the College.

5.01.02 Immediate Intervention

5.01.02.01 Where the conduct of a student is disruptive to the operation of the College employees/instructors should immediately intervene in the following manner:

5.01.02.01.01 Inform the student that the behavior is inappropriate and must stop;

5.01.02.01.02 Inform the student that continued misconduct may result in the student being asked to leave the environment; and

5.01.02.01.03 Notify his or her supervisor of the incident.

5.01.02.02 Where the conduct of a student is, or appears to be, unsafe employees should immediately contact Campus Safety and Security.

5.01.02.03 Where a student disregards the employee's direction to stop the disruptive conduct, the employee may, at his or her discretion, direct the student to leave the environment immediately.

5.01.02.04 If a student is directed to leave the environment, the employee shall document the incident and notify his or her supervisor and the Office of Student Services. The student may be required to meet with the Director, Student Services before returning to the environment.

5.01.02.05 Where a student is directed to leave the environment and refuses to do so, the employee shall contact Campus Safety and Security for assistance.

5.02 Reporting and Response Procedures

5.02.01 Reporting

5.02.01.01 All members of the College community shall report alleged violations to the Registrar. The allegations should be reported in writing, preferably electronically and include the following:

- 5.02.01.01.01 Name of student and student number, if known;
- 5.02.01.01.02 Date and time of the incident;
- 5.02.01.01.03 Nature of the behavior;
- 5.02.01.01.04 Action taken to correct the behavior, if any; and other relevant information.

5.02.01.02 Behaviour Intervention Team/Threat Assessment Team

- 5.02.01.02.01 The Behaviour Intervention Team (BIT) and/or Threat Assessment Team (TAT) identifies, assesses and monitors students displaying serious or repeated distressed, disruptive or threatening behavior, including behavior that may cause harm to self, others or to the academic mission of the College.
- 5.02.01.02.02 The Registrar (or delegate) may, at his or her discretion, refer a student conduct matter to the Behaviour Intervention Team or may consult with the Team on any student conduct matter. The BIT may make recommendations to the Registrar (or Delegate) or members of the college community, including the President, on any student conduct matter.

5.02.01.03 Student Conduct Meeting

- 5.02.01.03.01 When the Registrar (or delegate) received a report of an alleged violation of the Student Code of Conduct, the Registrar (or delegate) will determine if a Student Code of Conduct Meeting is required.
- 5.02.01.03.02 If the Registrar (or delegate) determines that a Student Conduct Meeting is required, a student who is alleged to have violated the Student Code of Conduct must attend the meeting.
- 5.02.01.03.03 A student may be accompanied to the meeting by a support person who is a member of the College community. Attendance at a Student Conduct Meeting by a person, other than a member of the

College community, shall be at the discretion of the Registrar (or delegate).

5.02.01.03.04 The Student Conduct Meeting will:

5.02.01.03.04.01 Afford the student with an opportunity to receive information regarding the allegations.

5.02.01.03.04.02 Afford the student with an opportunity to respond to the allegations and relevant information

5.02.01.03.05 Where it appears during the Student Conduct Meeting that there is a dispute about the fact relating to the alleged violation, the Registrar (or delegate) will undertake an investigation.

5.02.01.03.06 Where a student fails to attend a Student Conduct meeting, the Registrar (or delegate) may:

5.02.01.03.06.01 Temporarily remove a student from the learning environment until such a meeting takes place.

5.02.01.03.06.02 Place an administrative hold on a student's account until a meeting takes place; or

5.02.01.03.06.03 Determine whether the student has violated the Student Code of Conduct based on the available information.

5.02.01.03.07 Where the information does not confirm a violation of the Student Code of Conduct, no further action will be taken, and the student will be notified.

5.03 Sanctions

5.03.01 Where a student is found to have violated the Student Code of Conduct, the Registrar (or delegate) will:

5.03.01.01 Impose sanctions commiserate with the nature and severity of the violation.

5.03.01.01.01 Notify the student in writing of the:

5.03.01.01.01.01 Decision made regarding the allegations.

5.03.01.01.01.02 Sanction(s) imposed, including duration of the sanction or other conditions in relation to the sanction

5.03.01.01.01.03 Appeal options, as applicable

5.03.01.01.02 Notify the department of the sanction in situations where the sanction may impact the student's participation in the classroom or in department activities.

5.03.01.01.03 Implement the sanction and monitor compliance.

5.03.01.02 A list of possible sanctions which may be imposed by the Colleges includes: Coaching, Community Services, Educational Projects or Assignments, Formal Apology, Letter of Expectation, Letter of Reprimand, Loss of privileges, Mediation/Alternate Dispute Resolution, Monetary Restitution, No Contact Directive, No Trespass Direction, Probation, Restorative Conference, Restriction, Suspension, Verbal Warning, Workshop/training attendance, permanent or temporary removal from residences or other sanctions at the discretion of the Director Ancillary Services.

5.03.02 Suspension

5.03.02.01 Where the Registrar (or delegate) is of the view that suspension is the appropriate sanction, the Registrar (or delegate) shall inform the President in writing of the proposed sanction, including the reasons for the sanction.

- 5.03.02.02 If the President agrees that suspension is the appropriate sanction, the President shall impose the sanction.
- 5.03.02.03 If the President does not agree that suspension is appropriate, the President will refer the matter back to the Registrar (or delegate).

5.03.03 Prior To A Return Following Suspension

- 5.03.03.01 A student who has been suspended from the College is required to meet with the Registrar (or delegate) prior to registration to review the College's expectations regarding student behavior.

5.03.04 Record Retention

- 5.03.04.01 All records relating to the Student Code of Conduct will be maintained by the College for a period of no less than 5 years.

5.03.05 Appeal Procedures

- 5.03.05.01 This procedure applies to Coast Mountain College (CMTN) students who wish to appeal sanctions imposed under the Student Code of Conduct Policy.

5.03.06 Grounds

- 5.03.06.01 To appeal a sanction, a student must make an Application to Appeal showing that one or more of the following grounds have been met.
- 5.03.06.02 Relevant evidence has become available that was not available at the time of the original decision and there is a strong probability that the evidence would have a significant effect on the decision;

- 5.03.06.02.01 The severity of the sanction is disproportionate to the nature of the violation; or

5.03.06.02.02 The student was denied:

- 5.03.06.02.02.01 An opportunity to know the case against him or her;
- 5.03.06.02.02.02 An opportunity to respond to the case against him or her;
- 5.03.06.02.02.03 An unbiased decision.

5.03.07 Appeal Application

5.03.07.01 An Application to Appeal must:

- 5.03.07.01.01 Identify the grounds for the appeal,
- 5.03.07.01.02 Include a copy of the original decision,
- 5.03.07.01.03 Set out the requested outcome.

5.03.08 Appeal Meeting

- 5.03.08.01 If a student is requested to attend a meeting with regard to an appeal, the student may be accompanied by a support person who is a member of the College community, providing the support person has had no prior involvement in the matter under appeal.
- 5.03.08.02 Attendance at an appeal meeting by any other person shall be at the discretion of the entity hearing the appeal.
- 5.03.08.03 If a student does not attend a meeting when requested to do so, the matter will be decided based upon the available information.

5.03.09 Appeal of Sanctions Other Than Suspension

- 5.03.09.01 A student must submit an Application to Appeal to the Office of the Vice President, Education, Student and International within seven days of receiving the sanction decision.
- 5.03.09.02 Within fourteen days of receiving the application, the Vice President may at his/her discretion:

- 5.03.09.02.01 Request a meeting with the student before rendering a decision;
- 5.03.09.02.02 Request additional information from internal or external sources. If such information is provided the student will be given an opportunity to respond to that information; or
- 5.03.09.02.03 Render a decision based on the written application.

5.03.09.03 In response to the appeal the Vice President may:

- 5.03.09.03.01 Deny the appeal because it does not meet the required grounds;
- 5.03.09.03.02 Deny the appeal and uphold the sanction;
- 5.03.09.03.03 Grant the appeal and remove the sanction; or
- 5.03.09.03.04 Grant the appeal, remove the sanction and impose a different sanction.

5.03.09.04 The Vice President will notify the student in writing as to the outcome of the appeal. Any decision rendered as an outcome of this process is not subject to further appeal.

5.03.10 Appeal of Suspension

5.03.10.01 Where a student is suspended from the College, the student may appeal this decision by submitting an Application to Appeal to the Board of Governors.

5.03.10.02 Within twenty-one (21) calendar days of receiving the application, a designated member or members of the Board may at his/her/their discretion:

- 5.03.10.02.01 Request a meeting with the student before rendering a decision;
- 5.03.10.02.02 Request additional information from internal or external sources. Should such additional information be provided, the student will be given an opportunity to respond to that information; or

5.03.10.02.03 Render a decision based upon the written application.

5.03.10.03 In response to an appeal, the designated member or members of the Board may:

5.03.10.03.01 Deny the appeal because it does not meet the required grounds;

5.03.10.03.02 Deny the appeal and uphold the suspension;

5.03.10.03.03 Grant the appeal and remove the suspension; or

5.03.10.03.04 Grant the appeal, remove the suspension and impose a different sanction.

5.03.10.04 The designated member or members of the Board will notify the student in writing of the outcome of the appeal.