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## **Procedure for Violations of the Student Code of Conduct (Non-Academic)**

Procedure No.:	5102-PR1
Policy Reference:	5102
Category:	Education
Approving Body:	Board of Governors
Executive Sponsor:	VP Students
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### **1. Objectives**

BCIT is committed to ensuring that all Students are treated fairly at all times. The purpose of these procedures is to outline the manner in which the Institute will respond to suspected violations of Policy 5102 – Student Code of Conduct (Non-Academic).

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### **3. Who this Procedure Applies To**

This procedure applies to BCIT Students, faculty and other employees

### **4. Application of Other Policies**

When circumstances arise that are specifically addressed under other BCIT policies, procedures, or regulations, the processes and response mechanisms contained within those documents may be followed (e.g., Policy 3501, Acceptable Use of Information Technology).

### **5. Principles**

BCIT is committed to providing a safe and respectful environment for all members of the BCIT community. Students must conduct themselves in a manner that is consistent with Policy 5102 - Student Code of Conduct (Non-Academic), which outlines the expectations of Student behaviour.

This document outlines the procedures the institute will follow when responding to suspected violations of the Student Code of Conduct (Non-Academic).

Instructors and staff will provide Students with training and supervision in the correct and safe use of equipment, and in safety procedures related to their respective learning activities and environment.

It is in the best interests of all parties that intervention and correction of misconduct (safety-related or otherwise) occurs as early as possible. Instructors and staff should give immediate feedback to Students to establish and reinforce the boundaries of appropriate and inappropriate behaviour.

If prohibited or otherwise inappropriate behaviour occurs, everyone should take prudent regard for personal safety and attempt to intervene if deemed safe to do so. If intervening seems unsafe, an individual should immediately call the Safety, Security, and Emergency Management Department (SSEM).

The Office of Student Life is responsible for the administration of Policy 5102 – Student Code of Conduct (Non-Academic). Any member of the BCIT community may contact the Office of Student Life with questions or concerns regarding that policy or this procedure.

## **6. Reporting Incidents of Student Misconduct**

Where a Student is suspected to have violated the Student Code of Conduct (Non-Academic), any member of the BCIT community may report the alleged incident to the Office of Student Life or to SSEM. Where possible, the report should be made in writing using the Incident Report form, and should be made as quickly as possible following the occurrence of the suspected violation. Any and all reports that involve threats of violence or emergencies are to be forwarded immediately to SSEM.

## **7. Multiple Proceedings**

In some instances the actions of a student may intersect or violate more than one institutional code or policy. Where multiple internal codes or policies apply, those responsible for initiating the processes will consult to determine which process should be applied, which takes precedence and whether engaging multiple procedures is warranted. Whereby an external process does not serve the needs or interests of the institution in maintaining a safe and welcoming learning environment, the Institute may choose to take interim measures and/or delay an internal investigation.

## **8. Review and Interim Measures**

Upon receipt of a report of a suspected violation of the Student Code of Conduct (Non-Academic), the Office of Student Life or SSEM will take actions to address any immediate safety concern.

All reports are reviewed by the Office of Student Life to determine if the reported incident might involve any potential violation(s) of a BCIT policy, and if so, the policy under which an investigation should be pursued. Where appropriate, the incident may be referred to another division of the Institute for follow-up.

Where possible, the Office of Student Life may work with those involved in the incident to determine if the concern can be resolved in an informal manner.

When informal resolution is not possible or reasonable, the report will be provided to the Director, Student Success to investigate in accordance with Policy 5102 – Student Code of Conduct (Non- Academic).

Should the Office of Student Life deem the incident to pose a risk to persons or property, a request for Interim Measures can be made to the Director – SSEM. Interim Measures are actions that aid in maintaining safety and order during the time of the investigation and are not punitive or disciplinary.

The Director – SSEM will decide any Interim measures and communicate all measures in writing to the Student, the Office of Student Life, and the Director, Student Success. Interim Measures must be reviewed at minimum every seven days. The Respondent can appeal Interim Measures to the Vice President Academic.

## **9. Notice of Investigation**

A Student who is suspected of violating the Student Code of Conduct (Non Academic) will receive a Notice of Investigation by email. This notice will outline the nature of the alleged violation, the sections of the code that are suspected of being violated, and provide the Student with the date of an investigation meeting where the Student has the opportunity to meet with the investigator and provide their account of the alleged incident. All Students are encouraged to seek advice from the BCIT Student Association Advocacy department regarding the Student Code of Conduct (Non-Academic) resolution process.

## **10. Investigation**

An investigation will be conducted to gather and confirm the accuracy and details of the incident. The Director – Student Success, or their designate, will conduct an investigation of the reported incident. The investigation may include meeting with individuals with relevant information related to the matter and collecting and reviewing relevant documents.

In the case of alleged serious violations of the Student Code of Conduct (Non-Academic), the Director – Student Success may request that a Formal Investigator conduct the investigation. To do so the Director – Student Success will contact the Office of Student Life who will appoint a Formal Investigator. When the Formal Investigator has completed their investigation they will submit a Findings Report to the Director – Student Success for review.

## **11. Decision Making**

Once an investigation is completed, the Director, Student Success will determine whether a violation of this Code has occurred. If a Student is found to have violated this Code, the Director – Student Success will decide how to resolve the incident by considering the relevant contextual factors, including but not limited to:

- a. Extent of the misconduct;
- b. Impact of the misconduct;
- c. Inadvertent or deliberate nature of the misconduct;
- d. Whether the act in question is an isolated incident or part of repeated acts of misconduct;
- e. Whether the behaviour can reasonably be understood to be the result of a documented health condition or other extenuating circumstances; and
- f. Any other mitigating or aggravating circumstances.

If a Student claims their conduct was related to a disability or another characteristic protected by the BC Human Rights Code, inquiries shall be made during the investigation process to determine whether an accommodation is required. The Student may be requested to provide appropriate medical or other documentation so that the appropriate accommodation, if any, may be considered. The decision-maker may consult with Institute experts at Student Health Services, the Accessibility Services, the Harassment and Discrimination Office, and/or Counselling and Student Development, to receive and review the documentation, and to receive advice regarding any accommodation that is reasonable and appropriate in the circumstances.

## **12. Findings and Administrative Resolution**

The person who conducted the investigation will make the findings of fact using a balance of probabilities. The Director will decide on whether Administrative Resolutions are appropriate.

If it is decided that that no violation occurred, the Student will be informed in writing. If the Director finds that a violation has occurred, they may resolve the matter by imposing one or more of the following outcomes:

1. Formal Warning
2. Restitution
3. Apology
4. Behavioural Agreement
5. Educational Activity
6. Referral to Services
7. Loss of Privileges

Where appropriate those directly involved within the incident will be informed that the matter was resolved. A copy of the finding and outcomes will be provided to the Office of Student Life and placed in the Student conduct file.

If the incident was severe and may warrant discipline, the Director – Student Success will forward the findings to the President for decision in accordance with Policy 5102 – Student Code of Conduct (Non-Academic) section 14.

## **13. Appeals**

The Student may appeal a finding and any outcome imposed to the Decision Review Board. An appeal should be made within 15 business days, in writing, as outlined within Procedure 5104-PR2 – Decision Review Board.

In the case of a Suspension imposed by the President, a Student may appeal to the Board of Governors by submitting a written request in accordance with the process as outlined within Procedure 5104-PR3 – Institutional Appeal Tribunal.

## **14. Retention of Documents**

All documents associated with the investigation and any resulting discipline concerning a violation of the Student Code of Conduct (Non-Academic), will be retained within the Office of Student Life.

Information and records created under this policy are subject to the provisions of Policy 6700, Freedom of Information and Protection of Privacy.

## **15. Forms Associated With This Procedure**

Incident Report Form

## **16. Amendment History**

Policy 5002 was retired in January 2009, and this procedure 5102-PR1 is one of a series of policies and procedures created to replace it.

1. Created            2009 Jan 27
2. Revision 1        2019 May 28