



## STUDENT NON-ACADEMIC MISCONDUCT POLICY

Policy Area:	Board		
Policy Number:	SCPL_2206R_BG/PVPA		
Policy Sponsor:	Dean of Students		
Policy Contact:	Dean of Students		
Stakeholders:	Students, Employees, Board of Governors		
Authority:	<i>College and Institute Act</i>		
Approval Authority:	Board of Governors		
Approval Date:	June 22, 2022		
Effective Date:	July 1, 2022		
Replaces:	Student Non-academic Conduct Policy D.2.1 (2005)		
Last reviewed:	June 2023	Scheduled review date:	June 2028

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Procedures: *Procedures for Filing Complaints of Student Non-Academic Misconduct*  
*Procedures for Student Non-Academic Misconduct Investigations*

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### 1. Policy Statement

When Students become members of the Okanagan College Community, they are granted the opportunity, and accept the responsibility, to learn about their chosen area of study, the College, and themselves. Okanagan College is committed to supporting Student success and well-being within all areas of learning and development.

Students are expected to take responsibility for their actions and to set expectations for others to do the same.

Students are expected to commit to principles of integrity, equity, diversity, inclusion and social justice, and to demonstrate these principles in all conduct.

### 2. Purpose

The purpose of the Student Non-Academic Misconduct Policy is to establish standards and processes that will be enacted when Student conduct fails to promote a positive, safe, and respectful learning environment. When a Complaint of misconduct is received, the College will determine if the Policy has been violated and apply corrective measures as needed.

### 3. Scope and Application

- a) The **Student Non-Academic Misconduct Policy** applies to all Okanagan College Students.
- b) The Policy applies to all Student conduct that has a real and substantial connection to the College, whether it takes place in-person or online, on or off campus. This includes conduct that takes place:
  - i) on College land and premises whether rented, leased, or owned;
  - ii) when using College-owned or operated property or equipment including, but not limited to phones, computers, and computer networks; and
  - iii) off-campus when Students:
    - 1) are participating in a College event, course, or program-related activity;
    - 2) in exceptional circumstances where their conduct may adversely affect a Complainant's work or learning environment; or
    - 3) could otherwise be identified as a Student of the College, and their conduct could have a detrimental impact on the image or reputation of the College.
- c) Disruption of instructional activities, including examinations, may be dealt with initially by the appropriate instructor, faculty member or proctor as a matter of classroom management.
- d) Minor behaviour problems in the classroom and elsewhere should be addressed directly by an Employee implementing informal resolution processes. Subject to the rules of confidentiality, other Okanagan College departments and/or relevant academic areas may be consulted during an informal resolution process. Where a resolution cannot be reached through this informal process, a report will be filed to initiate a Complaint under the Student Non-Academic Misconduct Policy.
- e) When Students are subject to the professional standards related to their programs of study and/or placements, their conduct in these contexts will be addressed first by the Office of the Dean or Director of the Student's program. If the behaviour escalates or places others at risk, the Student's conduct may be addressed under the Student Non-Academic Misconduct Policy.
- f) The conduct of Students who live in College Student housing is also governed by the **Residence Contract** and **Community Standards**. Please refer to the *Residence Handbook*.
- g) All Students are subject to local, provincial, and federal laws. If the College becomes aware of conduct that might be criminal in nature, the College may refer the incident to local law enforcement.

- h) Nothing in this Policy prevents anyone, including professional licensing bodies and the College, from proceeding with civil, administrative, or criminal actions independent of any action taken under this Policy.
- i) Any reference to a position in this Policy includes any person that may be appointed as a designate to that position.

#### 4. Definitions

<b>Appeal Panel</b>	Means a panel composed of members of the Student Conduct Committee who are convened to hear Appeals on the decision of a Hearing Panel. Student Conduct Committee members who sit on a Hearing Panel cannot also sit on an Appeals Panel for the same Student.
<b>Appellant</b>	Means a Complainant or Respondent who files an Appeal of a decision made by a Hearing Panel or by the President of the College.
<b>Balance of Probabilities</b>	Means the standard of proof whereby an assessment is made as to whether a violation of the Policy is more likely than not to have occurred.
<b>Behavioural Contract</b>	Means an agreement between a Student who has engaged in prohibited behaviour and Okanagan College that outlines conditions the Student must follow to continue their studies. The contract may be for a specified period or for the full duration of the Student's program.
<b>Bullying</b>	Means any inappropriate action, conduct, or comment by a person towards another person that the person responsible for the action or comment knew or reasonably ought to have known would cause the other person to be humiliated or intimidated by excludes: <ul style="list-style-type: none"><li>a) Any reasonable action taken by the College, or by its employees in supervisory positions, relating to the management and direction of Employees or the workplace;</li><li>b) Any reasonable action taken by the College, or by an instructor, faculty member, or person in a similar position, relating to the management and direction of Students in the classroom, the management of Student conduct, or the management, direction, assignment, or supervision of academic work.</li></ul>
<b>Case Management Group (CMG)</b>	Means a subgroup of the Violent Incident Response Assessment Team (VTRA) and consists of the Dean of Students, the Manager, Security & Crisis Management, and one Campus Administrative Manager.
<b>College Community</b>	Means Students, Employees, members of the Board of Governors of the College, contractors, volunteers and visitors.

**College-Related Activity** Means an activity occurring on College property (including in Student housing), at College sanctioned events or conducted under the authority of the College. To be a College-Related Activity the activity must have a real and substantial connection to the College, or College-related functions, whether the activity occurred on College property, in person or online.

*In exceptional circumstances, incidents which do not occur on College property, or at College sanctioned events and are not conducted under the authority of the College may still be found to have a substantial connection to the College where they adversely affect the complainant's course of learning, teaching, or work, and may fall within the scope of this policy.*

**Community Service** Means service work carried out by a Student who has been found to have violated this Policy that contributes to the College community or to an approved service organization that agrees to work with the Student.

**Complainant** Means a person who seeks recourse under this Policy based on a belief that they have witnessed or experienced conduct which is prohibited by this Policy. The College may act as a Complainant in appropriate circumstances.

**Complaint** Means a verbal or written statement of alleged facts made by a Complainant seeking recourse under this Policy.

*A Complainant may use the Complaint form in this link: [Feedback and Complaints](#)*

**Course De-Registration** Means withdrawal from a course which can occur when a Student whose actions have had a negative impact on the learning environment or on an individual within the learning environment, is found responsible for a violation of the Non-Academic Misconduct Policy or the Sexual Violence and Misconduct Policy. Deregistration from a course or courses requires agreement of the Dean of Students and the Dean or Director of the program in which the Student is registered.

**Developmental and Educational Assignment** Means an activity in which a Respondent may be required to participate in order to promote a deeper understanding of the impact of their actions. Assignments may include but are not limited to, leadership development, health and safety programs, reflective learning or personal success activities, projects, or other assignments as applicable.

**Discrimination** Means discrimination based on a person's sex, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sexual orientation, age, gender identity or expression, or criminal conviction unrelated to the person's employment or program of study, any other prohibited grounds identified under the BC Human Rights Code.

<b>Employee</b>	Means any person employed by (or who has an appointment with) the College.
<b>Expulsion</b>	Means permanent removal from Okanagan College of a Student who has engaged in prohibited behaviour. The Student may not be allowed to register in the future.
<b>Forfeiture of Awards</b>	Means the loss of the right to current or future awards or Okanagan College funded scholarships or bursaries as a result of misconduct.
<b>Harassment</b>	<p>Means bullying and any inappropriate action, conduct, or comment by a person towards another person that the person responsible for the action or comment knew or reasonably ought to have known would cause the other person to be humiliated or intimidated, but excludes:</p> <ul style="list-style-type: none"><li>a) Any reasonable action taken by the College, or by its employees in supervisory positions, relating to the management and direction of Employees or the workplace;</li><li>b) Any reasonable action taken by the College, or by an instructor, faculty member, or person in a similar position, relating to the management and direction of Students in the classroom, the management of Student conduct, or the management, direction, assignment, or supervision of academic work.</li></ul>
<b>Hearing Panels</b>	Means those panels convened to review Complaints of Major Incidents of Misconduct and to determine if Sanctions should be applied as a result of the misconduct. Hearing Panels are composed of members of the standing Student Conduct Committee.
<b>Interim Measures</b>	Means actions or measures that may be imposed on a Student pending the outcome of a preliminary assessment or investigation into a Student Non-Academic Misconduct or Sexual Violence and Misconduct Complaint.
<b>Major Infraction</b>	Means behaviour that has a significant negative impact on a member or members of the College Community. Violations of the Sexual Violence and Misconduct Policy will be treated as Major Infractions.
<b>Okanagan College Student Union (OCSU)</b>	Means the membership organization at Okanagan College representing students across Kelowna, Penticton, and Salmon Arm campuses.
<b>Probation</b>	Means a written reprimand in effect for a period of time with clear conditions that a Student must meet to maintain their status at Okanagan College and to avoid additional sanctions.

<b>Procedural Fairness</b>	Means the fairness of the process by which a decision is made under this Policy. It includes but is not limited to the right of the Respondent: a) To be notified of the Complaint; b) To know the substance of the Complaint; c) To have the opportunity to respond to the Complaint; and d) To have a decision made by an impartial decision maker.
<b>Respondent</b>	Means a Student against whom an allegation has been made under this Policy.
<b>Reparation</b>	Means compensation paid by a Student who has engaged in prohibited behaviour to make up for a loss, damage, or injury. This may include service, payment of money or replacement of property.
<b>Representative</b>	Means an appropriate person whom Complainants and Respondents may engage to assist them throughout the process of filing or responding to a complaint. An appropriate Representative may be a Student representative from the OCSU or VSA OC, an employee of the institution, or an outside Representative of the individual's choice.
<b>Restrictions</b>	Means the revoking of privileges to access or use Okanagan College facilities and services for a designated period of time and/or prohibiting contact with specified Okanagan College Community member(s).
<b>Sanctions</b>	Means disciplinary actions imposed on a Student who is found to have violated an Okanagan College policy. The objective of Sanctions is to deter future violations.
<b>Sexual Assault and Sexual Harassment</b>	see Sexual Violence and Misconduct Policy.
<b>Student</b>	Means any person enrolled as a Student at Okanagan College.
<b>Student Conduct Committee</b>	Means a standing committee of Okanagan College employees and Students from which the members of a Hearing Panel or Appeals Panel is selected.
<b>Support Agreement</b>	Means an agreement which is implemented when a Student who is found to have violated this policy agrees to access campus supports for future success upon recommendation from the Dean of Students or from a Hearing Panel. Services may include, but are not limited to, Aboriginal Services, Accessibility Services, Counselling Services, Success Centre, and Student Graduate and Co-op Employment Centre.

<b>Suspension</b>	Means a temporary removal from Okanagan College for up to one (1) calendar year of a Student who has engaged in prohibited behaviour. Suspension includes a Student being excluded from classes and/or other activities for a specific period of time. It may also exclude the Student from a campus or Okanagan College owned or controlled property.
<b>Trauma Informed Approach</b>	Means understanding the impacts of sexual misconduct and sexualized violence on individuals and responding in a manner that promotes empowerment and recovery and minimizes re-traumatization.
<b>Vernon Students' Association Okanagan College (VSAOC)</b>	Means the membership organization at Okanagan College representing Students who are registered at the Vernon campus.
<b>Warning</b>	Means a written notification that continuing or repeating certain conduct will result in further disciplinary action up to and including suspension or expulsion from Okanagan College.
<b>Withholding of Credential</b>	Means the refusal to award a Student who has engaged in prohibited behaviour their credential, e.g., course credit, certificate, diploma, degree, etc., until the conduct review process is completed.

## 5. Confidentiality

- 5.1 Personal information, whether oral or written, which is collected, received, or compiled from a Complaint and through the course of an investigation and resolution process will be treated as confidential by the College in accordance with privacy legislation.
- 5.2 All individuals involved in the Complaint resolution and investigation process must keep confidential all information received about the Complaint, except as expressly set out in this Policy, or as required by law.
- 5.3 Where reasonably necessary, the Dean of Students or investigator may disclose such information to the appropriate individuals in order to:
  - a) Protect health and safety;
  - b) Administer the Policy and appropriately address the Complaint in accordance with the Policy;
  - c) Ensure a full and fair investigation into the Complaint;
  - d) Implement corrective measures;
  - e) Obtain legal advice; or
  - f) Inform law enforcement of reasonably suspected criminal activity or serious risk of bodily harm to an individual in keeping with privacy legislation.

## 6. Prohibited Conduct

- 6.1 Discrimination, Bullying and Harassment.
- 6.2 Failure to provide proper photo identification to an Employee acting within the scope of their position while on campus; for example: security, Student housing staff, exam proctor.
- 6.3 Creating a disturbance in a public place such as unreasonable noise or non-threatening behavior. This does not preclude Students' right to assemble for lawful protest; however, outside of the disruption caused by lawful assembly, the Policy is otherwise in full force during such an assembly.
- 6.4 Failure to properly monitor the conduct of guests.
- 6.5 Illegal or unauthorized use of, damage to, or removal of College equipment, facilities, or services.
- 6.6 Conduct that interferes with College learning environments or operations.
- 6.7 Intentionally supplying false information to avoid taking responsibility for conduct, or to intentionally defraud the institution or members of the College Community.
- 6.8 Failure to comply with reasonable direction of Employees acting within the scope of their duties.
- 6.9 Unauthorized possession or use of alcohol and/or illegal drugs on College premises, or at a College-Related Activity.
- 6.10 Sale of drugs or narcotics on College premises, or at a College event, course, or activity.
- 6.11 Breach of a Behavioural Contract or failure to comply with sanctions assigned as an outcome of a conduct review.
- 6.12 Distribution of malicious material or material known to be untrue about employees or Students.
- 6.13 Filing complaints that are frivolous, vexatious, malicious, or otherwise made in bad faith.
- 6.14 Retaliation against anyone who, in accordance with this Policy reports an alleged occurrence of misconduct or who participates in an investigation.
- 6.15 Possession, or the threat of possession, of firearms or other dangerous weapons or replicas, or possession of chemicals not for the purpose of sanctioned academic activities, on College premises, or at a College event, course, or activity.
- 6.16 Tampering with emergency equipment.
- 6.17 Expression of indecent, profane, or vulgar language or obscene actions.
- 6.18 Coordination of, or participation in, hazing or initiations.
- 6.19 Violation of College policies, rules or regulations including, but not limited to the **Responsible and Appropriate Use of Information Technology Resources Policy** and applicable **Health and Safety Plans**.



6.20 Committing unlawful acts.

## 7. Reporting Prohibited Conduct

7.1 Any member of the Okanagan College Community who is the subject of, or witness to, conduct that violates the Student Non-Academic Misconduct Policy may file a Complaint.

7.2 At no time should any person put themselves at risk of harm in order to address the conduct of others. Any person who believes that they or anyone else is at **immediate risk of harm** should contact the Office of Campus Security or the Campus Administrative Manager immediately. When there is an **imminent risk of harm**, call 911, then contact the Office of Campus Security.

## 8. Applicable Procedures

8.1 The *Procedures for Filing a Complaint of Student Non-Academic Misconduct*, set out the procedures for filing a Complaint pursuant to this Policy.

8.2 The *Procedures for Student Misconduct Investigation Procedures, Reviews and Appeals*, set out the procedures for investigating, and responding to, Complaints filed pursuant to this Policy.

## 9. Records

9.1 Records of Suspension or Expulsion are included on a Student's official College transcript.

9.2 The Dean of Students compiles an annual report that provides summary information of the number of Complaints filed, type of conduct reported, sanctions applied, number of appeals filed and the outcome of appeals. The President will report to the Board of Governors on an annual basis.

## 10. Related Acts and Regulations

*None.*

## 11. Supporting References, Policies, Procedures and Forms

*Feedback and Complaints*

*Involuntary Withdrawal and Re-Admission Policy*

*Privacy Policy*

*Sexual Violence and Misconduct Policy*

*Student Wellbeing Support Policy*

*Violent and Threatening Behaviour Policy*

*Student Housing Handbook*

## 12. History / Revisions

Date	Action
2023-08-23	Reviewed. <i>Non-substantive update: job titles of Leadership Council and administrators.</i>
2022-06-22	Approved by Board of Governors: Student Non-Academic Misconduct Policy

2005-06-28 Approval by Board of Governors:  
Student Non Academic Conduct Policy (D.2.1)