

DOCUMENT TITLE	Student Misconduct Procedures
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HOLDER	VP Student Experience
RESPONSIBLE OPERATIONAL LEADER	Director Student Affairs

STUDENT MISCONDUCT PROCESS

PURPOSE

The following Procedures outline how Allegations of a violation of the Student Misconduct Policy are processed by the College.

Students are at all stages encouraged to seek advice about the Policy and these Procedures from the Office of Student Support, the College Ombudsperson, and/or Camosun College Student Society.

PROCEDURES

MAKING AN ALLEGATION

The operation of the Student Misconduct Policy is initiated by the making of an Allegation. Allegations may be initiated by staff, faculty, students, members of the public or upon the Office of Student Support or Campus Security becoming aware of facts that support an Allegation.

Initial Review

Upon becoming aware of an Allegation, the Office of Student Support conducts an initial review to determine whether the facts giving rise to the Allegation would, if true, constitute a violation of this Policy. If not, the matter is considered concluded and no further steps are taken. If so, then further steps under these Procedures will be followed. The Student will be notified that an Allegation has been made, and the substance of it.

Interim Measures

At any time after becoming aware of an Allegation, the College may impose an Interim Measure. Normally, an Interim Measure is put in place by the Office of Student Support, but if the Interim Measure involves a Suspension, it is imposed by the President.

Informal Process

At any stage in the processing of an Allegation, at the request of any party, the Allegation may be addressed through an Informal Process. An Informal Process is a consensual process. The specifics of the Informal Process will depend upon the circumstances of the Allegation and will be structured with a view to achieving a mutually acceptable resolution of the Allegation. An Informal Process may involve the gathering of facts by the Office of Student Support and Campus Security. The Informal Process may involve the use of mediation. An Informal Process may involve a Complainant, faculty, staff, or others, as appropriate. Early use of an Informal Process is encouraged.

An Informal Process will proceed in a timely manner.

Outcomes reached through an Informal Process are subject to approval of the Director before they become final.

An Outcome agreed to through an Informal Process is not subject to Appeal.

STUDENT MISCONDUCT PROCESS

The Student Misconduct Process is initiated if:

1. An Informal Process is not appropriate in the circumstances. An Informal Process may not be appropriate where the Student has previously engaged in misconduct contrary to this Policy, continues to engage in conduct that violates this Policy, or engages in Major Misconduct of such a serious nature that an Informal Process is inappropriate;
2. A party is unwilling to participate in an Informal Process; or
3. An Informal Process does not achieve an Outcome.

Investigation and Outcome

Upon becoming aware of an Allegation, the Office of Student Support will initiate an Investigation. The Investigation will normally be conducted by a member of the Office of Student Support or Campus Security, but the College may determine to appoint an external investigator to conduct the Investigation and make findings (the "Investigator".) An Investigation may occur prior to, concurrently with, or following, an Informal Process, as is determined by the Office of Student Support and Campus Security to be appropriate in the circumstances. If an Investigation is deferred pending the Informal Process, it will normally be commenced within five (5) days of the Informal Process not achieving an Outcome.

Prior to the conduct of an Investigation, the Student who is subject to the Allegation will be informed of the substance of the Allegation and that an Investigation will be initiated. In certain circumstances, it

may be necessary to delay informing the Student of the Allegation (such as, for example, if informing the Student of the Allegation may result in the destruction of evidence.)

The College, through the Office of Student Support, will determine the procedures for the Investigation depending upon the circumstances of the Allegation, which procedures will typically include the following:

1. The Student is given notice of the Allegation sufficient to allow the Student to understand the nature of it and to be able to fairly respond to it. This notice will provide the material details of the Allegation.
2. The Investigator gathers information from individuals who may have relevant information concerning the Allegation. This may include the Complainant, witnesses, faculty, staff, members of the public and other students. The Investigator may both conduct interviews and collect documents related to the Investigation.
3. The Student will be provided an opportunity to respond to the Allegation. The Student will be provided with a summary of information obtained during the Investigation to allow the Student to fairly respond.

Following the conclusion of the Investigation, the Investigator will report to the Director their findings, and may, if requested, recommend an Outcome.

Following receipt of the Investigator's findings, and recommendation, if any, the Director may:

- a. Accept the findings of the Investigator, as to whether a breach of the Policy did or did not occur;
- b. Reject the findings of the Investigator and either (a) require further investigation; (b) dismiss the Allegation; or (c) find that a breach of this Policy occurred.

Where a breach of this Policy is found the Director may impose an Outcome.

Where the Director is of the view that a Suspension is an appropriate Outcome, the Director will recommend a suspension, and the grounds for it, to the President.

POSSIBLE OUTCOMES

The discipline will vary according to the severity of the incident and may include, but not be limited to, those cited below. The discipline may be invoked for disruptive conduct at the discretion of the appropriate decision-maker.

If a student believes he or she has been treated unfairly in relation to the imposition of the following measures (with the exception of suspensions), he or she may seek resolution, within the stipulated timelines, through the process outlined under the Appeals section.

- **Verbal Reprimand:** The student is informed that the conduct exhibited is inappropriate.
- **Removal from a Class in Progress:** Immediate removal of a student from a class in- progress. In some cases the disruption may be significant enough that the class is terminated and postponed until the disruptive conduct can be mitigated.
- **Written Reprimand:** The student is advised in writing that further incidents of improper conduct may result in more severe discipline.
- **Restriction of Activity or Access to an Area or Services:** Restriction or exclusion of a student from certain College activities, or denial of access to certain areas of the College, or to the use of certain facilities or equipment.
- **Recovery of Costs:** Recovery of costs is requested for damages deliberately caused by the student.
- **Removal from a Course:** Immediate exclusion of a student from a course.
- **Removal from a Program:** Removal of the student from the program and a notation on the student record.
- **Suspension from the College:** Refusal by the College to admit a student to any class, course, program, College service or College activity and a notation on the student record. ***(Note: This measure may be appealed to the Board of Governors.)***

APPEALS FOR DISCIPLINE OTHER THAN SUSPENSION FROM THE COLLEGE

A Student has the right to appeal an Outcome imposed by the Director to the Vice- President Student Experience.

An Appeal of an Outcome must be initiated within **five (5) working days** of the Student being informed of the Outcome.

An Appeal must be made in writing and provide all of the following information:

- a. The Outcome which is being appealed;
- b. The grounds for the appeal (i.e., why the Student believes the appeal should be allowed);
- c. The Outcome which the student is seeking and the reasons why;
- d. Any and all documentation and submissions relevant to the Student's appeal.

Appeals of Outcomes imposed by the Director may only be brought on the following grounds:

1. A substantial procedural error has been made in the process;
2. Evidence, not reasonably available at the time the Outcome was determined is available and the new evidence may change the Outcome;
3. The Outcome imposed is unreasonable or excessive in all the circumstances.

The Vice-President Student Experience will request the Director to provide all relevant documentation related to the Outcome and a response to the Student's Appeal.

The Vice-President Student Experience will normally initiate the Appeal and provide a decision within **five (5) working days**. The Vice-President Student Experience will decide whether to allow the appeal and dismiss the Allegation, deny the Appeal and uphold the Outcome, or vary the Outcome.

The Vice-President Student Experience may decline to consider an appeal when it is determined that the appeal:

- a. is trivial, frivolous, or vexatious, or
- b. Is not based on a ground of appeal as set out in this Policy.

The decision of the Vice-President Student Experience on an Appeal is final and is not subject to appeal.

APPEALS FOR DISCIPLINARY SUSPENSION FROM THE COLLEGE

Refer to [E-2.4.3](#).

PROTECTION OF PRIVACY AND RETENTION OF RECORDS

During the processing of an Allegation, an Investigation, an Informal Process, or action under the Student Misconduct Process, the College will collect personal information from the complainant, respondent, and witnesses relevant to the matter. Such information is collected, used and disclosed by the College only as permitted by the Freedom of Information and Protection of Privacy Act. Personal information is collected by the College for the purpose of processing the Allegation, Investigation, Process and Appeal, resolving the Allegation, implementing any Outcome and any related proceedings. The information is also collected, used and disclosed by the College for the purposes of managing the relationship between the College, the Student and the Complainant. The College maintains personal information collected, used or disclosed for these purposes, only for so long as is necessary to fulfill the purpose for which it was collected, used or disclosed, or is necessary to protect the interests of the College but where personal information is used by the College in a way that affects the interests of an individual, such information will be maintained for at least one year from the date of such use.

Records of Outcomes (whether as the result of an Informal Process or the Student Misconduct Process) that involve violations of this Policy are kept to ensure that multiple violations of non-academic misconduct by a Student are identified and addressed appropriately.

Access to records collected or created in relation to an Allegation under this Policy is restricted to protect students' rights to privacy and will be maintained in a central repository within the Office of Student Support with access only to designated individuals. Only Office of Student Support team members will have access to student records regarding matters under this Policy unless otherwise

reasonably required by another person for legitimate and lawful purposes. Access to records will not normally be granted to instructors, Chairs, or other staff.

LINKS TO RELATED CAMOSUN POLICIES, DOCUMENTS, AND/OR WEBSITES

- G-1.3 Board Decision Making Policy
- E-2.4 Student Appeals
- E-2.5 Student Conduct Policy
- E-2.9 Sexual Violence and Misconduct Policy
- E.2.4.3 Request for an Appeal of Suspension