

POLICY TITLE	Student Misconduct Policy
POLICY NUMBER	E-2.5
POLICY TYPE	Educational
APPROVAL DATE	October 27, 2003
APPROVAL BODY	Board of Governors
LAST UPDATE OR AMENDMENT OR REVIEW DATE	September 21, 2020
NEXT REVIEW DATE	2025
POLICY HOLDER	Provost and Vice President Education & Innovation
RESPONSIBLE OPERATIONAL LEADER	Director Student Affairs
SUPPORTING DOCUMENTS	Student Misconduct Procedure Appeal of Student Suspension

STUDENT MISCONDUCT

PURPOSE AND/OR RATIONALE

All persons are expected to conduct themselves in a respectful way at Camosun College (“Camosun” or the “College”). This Student Conduct Policy (the “Policy”) outlines Camosun’s expectations of all students.

The Policy provides a framework, supported by principles and procedures, to address and resolve conduct issues. Its procedures include both an informal and formal resolution process.

This Policy is in addition to students’ rights and responsibilities under other Camosun policies, directives and associated procedures, and under the laws of local, provincial and federal governments.

POLICY APPLICATION, SCOPE, AND/OR LIMITS

This Policy applies to:

- All students enrolled in the College or engaged in College related activities;
- Students’ conduct in any organized College-related activity, and/or [Work Integrated Learning](#) opportunity beyond campuses and partnership sites. This includes, but is not limited to, work shadowing, field schools, field trips, field placements, practicums, community placements, culture camps, College-based clinical placements, off-site course deliveries, service learning projects, student exchange, and study abroad opportunities;

- Students' conduct off campus, including by electronic media, which negatively impacts the College or its community, or which adversely affects the rights of a member of the College community to use and enjoy the College's learning and working environments and facilities or which adversely affects the health and safety of a member of the College community;
- Students from other institutions undertaking studies on College property;
- A person on leave under the Involuntary Health and Safety Leave of Absence Policy is not considered a Student for the purposes of this Policy.

Students' are responsible under this Policy for the conduct of their invited guests.

The Office of Student Support leads the institutional application of this Policy and works in collaboration with Campus Security.

The application of this Policy is independent of any criminal or civil proceedings which may arise from the same conduct. The processes under this Policy may, in the discretion of the Office of Student Support, be suspended when criminal proceedings are underway.

The College recognizes that students may have certain legal rights to freedom of expression. The Policy does not seek to unreasonably limit any rights provided by law. This Policy and its associated Procedures will be applied in relation to unacceptable student conduct recognizing that right.

Incidents of sexual violence and misconduct are addressed separately under the College's [Sexual Violence Policy](#). Where conduct is subject to investigation or proceedings under the Sexual Violence Policy, this Policy does not apply.

Students who are also employees of the College may, in addition to consequences under this Policy and Procedures, be subject to processes and consequences under employment related policies including the [Standards of Conduct Policy](#) and the [Respectful Workplace Policy](#).

This Policy does not limit the College's right or obligation to implement threat assessment protocols to assess whether an individual's behaviour poses a risk to self or other members of the College community.

Incidents of academic misconduct or violations of academic integrity are addressed separately under the College's Academic Integrity Policy.

DEFINITIONS

1. **Allegation:** Information brought to the attention of the Office of Student Support that, if true, concerns non-academic conduct that may be a violation of this Policy. Where available, Allegations should be supported by particulars and details of the conduct of concern.
2. **Appeal:** A request by the Student for a review of an Outcome of the Student Misconduct Process. An Appeal will be considered in accordance with the Procedures under this Policy. Except in relation to

appeals of suspension decisions made by the President, an appeal, absent extraordinary circumstances, will only be considered if:

- a. A substantial procedural error has been made in the process;
 - b. Evidence, not reasonably available at the time the Outcome was determined is available and the new evidence may change the Outcome;
 - c. The Outcome imposed is unreasonable or excessive in all the circumstances.
- 3. Balance of Probability:** Whether on the available evidence an event is more likely than not to have occurred.
 - 4. Complainant:** A person who brings forward an Allegation.
 - 5. Director:** The Director of Student Affairs. The Director is responsible for the management of the Student Conduct Policy's Procedures. The Director may delegate their responsibility under this Policy to a Designate.
 - 6. Designate:** An individual formally delegated authority to act on behalf another discharging responsibilities under this Policy.
 - 7. Employee:** A person who employed by the College, including but not limited to faculty, staff, sessional instructors, and security personnel, and includes Contractors contracted to work at the College.
 - 8. Guest:** A person who is visiting a Student on campus. Students are responsible for the conduct of their guests while on campus.
 - 9. Informal Process:** A consensual process to resolve Allegations concerning Student Conduct. An informal process will involve the Office of Student Support and/or Campus Security and may involve any other party impacted by the alleged misconduct. 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 Outcome of the informal process that is agreed to resolves the Allegation may not be appealed.
 - 10. Interim Measure:** A temporary measure implemented by the Office of Student Support, Campus Security or President pending an Investigation, Informal Resolution, or Outcome. An Interim Measure except a Suspension is not appealable.
 - 11. Investigation:** The process of collecting and assessing information to determine if an Allegation is substantiated on the Balance of Probabilities.
 - 12. Leave of Absence:** An approved, temporary separation/withdrawal of the student from the College. A [Leave of Absence](#) may occur for any reason approved by the College including medical or mental health reasons.

- 13. Minor Misconduct:** Conduct that breaches the Student's express or implied obligations under this Policy that is not Major Misconduct.
- 14. Major Misconduct:** Conduct that breaches the student's express or implied obligations under this Policy of a serious nature, as determined by the Office of Student Support, including but not limited to conduct that is offensive, threatening, aggressive, harassing, or violent, misconduct towards property (such as vandalism or destruction of property), and repeated incidents of Minor Misconduct.
- 15. Multiple Proceedings:** Refers to instances when student conduct implicates two or more College policies. In such circumstances, the College officials responsible for the administration of each policy will meet to determine how to proceed. The Student will be advised of the process to be followed.
- 16. Natural Justice:** In this Policy refers to the rules of law that ensure a fair process, including that the Student is made aware of the Allegations and is given a fair opportunity to respond, with a decision rendered by an unbiased decision maker based on the evidence.
- 17. Ombudsperson:** An impartial, independent office which provides a safe, confidential place for students to discuss concerns, complaints and disputes and to consider options. The office advocates for fairness and equity rather than for a particular person or outcome.
- 18. Outcome:** The consequence either agreed upon, or imposed as a result of a finding of a violation of this Policy. Outcomes may include, but are not limited to warnings, restitution, requirement to enter a behaviour contract, removal from course/program and suspension. If an Outcome results in a loss of College credit, suspension from a program, temporary suspension from the College, or permanent suspension from the College, a notation may be made on the Student's record. On application to the Provost and Vice President Education & Innovation, such notations may be removed after two years.
- 19. President:** The President appointed pursuant to the College and Institute Act. Only the President of the College may suspend a Student from the College for misconduct.
- 20. Procedural Fairness:** In this Policy refers to the manner in which the Procedures under this Policy are implemented, and includes the right to know the Allegations and be provided the opportunity to respond to the Allegations and the evidence in support of the Allegations, and to have a decision made by an impartial decision maker. As used in this Policy, Procedural Fairness includes the right to have a Support Person during the Student Misconduct Process.
- 21. Record:** The record is the comprehensive set of all information related to the student, including academic history, biographical information. All notations related to this policy are placed on the official student record by the Registrar's Office.

- 22. Restitution:** Reimbursement for damage to or loss of property. Restitution may be part of a resolution of an Informal Process, or an Outcome of the Student Misconduct Process. Restitution may be payable to the College or a person experiencing loss or damage as a result of Student Misconduct.
- 23. Student:** A person who has been accepted to and has registered for a course or program offered by the College. A person is considered a Student under this Policy from the time of registration until that person has completed the course without registering for another course, or until that person has graduated from a program, including the period while actually engaged in the course or program, the period between registration and the commencement of the academic term, and the period between terms (including summer). Where an Allegation is made against a person who was a Student at the time of the alleged misconduct, the College may, in its discretion, conduct an Investigation.
- 24. Student Misconduct Process:** The process set out in this Policy and Procedures for addressing Student Conduct issues not resolved pursuant to an Informal Process.
- 25. Student Support Manager:** A designated College employee who is responsible for: receiving concerns, complaints or reports of non-academic student misconduct. Student Support Managers will coordinate supports for students impacted by incidents of non-academic student misconduct and may initiate investigations of non-academic student misconduct via an informal or formal process as appropriate to the situation.
- 26. Support Person:** A person who acts as a resource throughout an Investigation, an Informal Process and/or the Student Misconduct Process. The College recommends a support person who is someone the Student feels comfortable with knowing the details of the Allegations and who can assist a student in understanding the Policy and Procedures and help a student identify questions that they may have throughout an Investigation, Informal Process or the Student Misconduct Process. The support person does not act as advocate for the Student.
- 27. Suspension:** Includes removal of a student from any class, course, or program. The removal from receipt of a College service or withdrawal from participation in a College activity, when imposed as part of an Outcome, are not considered Suspensions under this Policy.

PRINCIPLES

1. Students are at the centre of Camosun's educational mission. Creating and maintaining a safe, respectful, secure, and supportive learning environment for students is the responsibility of all members of the College community.
2. All members of the College community have a responsibility to act in manners consistent with the College's educational mission. Students have the right to learn in a safe environment, free from harassment, violence, intimidation, bullying, hazing, and coercion, whether the conduct occurs in person or through the use of technology. Students have obligations not to engage in conduct that

causes harm to persons or property that violates College policies and Procedures, or that otherwise contravenes federal, provincial or local laws.

3. Any conduct on the part of a Student that has, or might reasonably be seen to have, a negative effect on the College or the College community, or that affects the health, safety, rights or property of the College or the College community may be subject to discipline under this Policy.
4. The College recognizes that conflict between members of its learning community may arise. Whenever possible, students are encouraged to engage in informal conflict resolution to foster a culture of effective conflict management that emphasizes honest discussion and collaborative problem solving. The College will strive to facilitate informal conflict resolution. When informal conflict resolution is not possible, is unsuccessful, or is otherwise inappropriate, complaints and allegations may be dealt with through the formal Student Misconduct Process.
5. The College will conduct a timely investigation into allegations of misconduct that could, if substantiated, constitute a violation of this Policy. All investigations are conducted in a fair and equitable manner, consistent with the principles of procedural fairness and natural justice, and having regard to the nature and seriousness of the conduct at issue.
6. Where the Student Misconduct Process determines that misconduct has occurred, the outcome of that process will take into account all the circumstances of the misconduct and the circumstances of the Student engaging in the misconduct. The College recognizes that, where appropriate, a Student Misconduct Process outcome that is educational, developmental or restorative, may be preferable to, or imposed in conjunction with, a punitive outcome.
7. A Student Misconduct Process outcome may be appealed by a Student in accordance with the Procedures under this Policy.
8. Allegations, Informal Processes, Investigations, the Student Misconduct Process and Outcomes will all be treated by the College as confidential, and only disclosed insofar as permitted by the British Columbia Freedom of Information and Protection of Privacy Act, and as necessary to ensure procedural fairness and natural justice in relation to any Allegation. All parties and witnesses will be asked to and are expected to keep such information confidential (except that a Student alleged to have engaged in misconduct may confidentially share information with a support person). Breaches of confidentiality by a Student or employee may result in disciplinary sanctions.
9. No individual making or responding to an Allegation under this Policy, or participating in an appeal of an Outcome shall be subject to reprisal or threat of reprisal for making or defending the allegation, or for participating in the appeal. Reprisals and threats of reprisal may be subject to discipline under this or other College policy.

PROHIBITED STUDENT CONDUCT

The following is a non-exhaustive list that provides examples of misconduct that may be addressed under this Policy. Conduct not specifically set out below may also be subject to proceedings under this Policy:

1. Misconduct against Persons, including:

- a. Assault and Threatening Conduct** This includes physically aggressive behaviour, assault, intimidation, and threats (whether made verbally, in writing, or electronically, such as through social media) directed at or impacting on a member or members of the College community. **Examples:** Punching or hitting another person; unwanted contact with or stalking of another person; communicating an explicit or implicit threat, verbally, by action or through electronic means (e.g. text and social media) towards a person or group.
- b. Endangering the Health, Safety or Well-Being of Others** This includes conduct that potentially or actually endangers the safety, health or well-being of any person in the course of any College related activity. **Examples:** Tampering with fire access doors or discharging fire extinguishers; unsafe operation of a motor vehicle.
- c. Discrimination** Includes engaging in conduct that discriminates against any person on grounds set out in the British Columbia Human Rights Code, including race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age. **Examples:** Making racialized or inappropriate comments, homophobic or transphobic comments or actions.
- d. Harassment** Includes engaging in harassing behaviour, such as conduct that is unwelcome or that reasonably ought to be known to be unwelcome, and that would be expected to cause another person to feel demeaned, intimidated or harassed, or that otherwise creates a hostile or offensive environment. **Examples:** Unwanted attention, repeated unwanted contact, homophobic or transphobic comments or actions.
- e. Disrespectful or Demeaning Conduct** This includes any statement, publication, notice, sign, symbol, emblem or other representation which gives a member of the College community reasonable cause to believe that he or she has suffered hatred or contempt. **Examples:** Racist or misogynistic language, cartoons, photos, symbols, etc., which expose a person or a group or class of persons to hatred or contempt.

2. Misconduct Against Property, including

- a. **Theft or Attempted Theft** This includes any actual or attempted misappropriation of the property of the College or a member of the College community. **Examples:** Theft of library resources; theft of personal property such as a knapsack or purse.

- b. **Vandalism/Intentional Damage of College or personal property** This includes any intentional altering of, or damage to, any resource or property belonging to Camosun or to property of any member of the College community. **Examples:** Damaging library books; defacing College buildings; or damaging vehicles.

3. Misconduct towards the College, including

- a. **Failure to Comply with Lawful Directions of College Employees** This includes any failure to comply with a reasonable request or directive of any College employee authorized to make that request or directive, issued in order to protect the interests of the College or the rights, privileges or safety of any member of the College community. **Examples:** Failure to leave a building during a fire alarm; refusal to remove a vehicle parked in a fire lane; failure to vacate a College service or instructional area when directed.

- b. **Disruptive Conduct/Disorderly Conduct** This includes any conduct that interferes with the provision of College services or instruction or that interferes with the right of any member of the College community to carry out their legitimate activities or to speak or to associate with others. **Examples:** Verbal outbursts, impairment due to alcohol or drugs, physical gestures, fighting, actions or interruptions which limit or interfere with the provision of College services or instructional activities; disturbances of any College related or on-campus activity.

- c. **Unauthorized Entry or Presence** This includes any unauthorized entering, remaining in, or allowing others to have access to areas of the College. **Examples:** To enter, or allow others to gain entry to, computer laboratories outside of authorized times and conditions; or unauthorized presence in any College office or area.

- d. **False Information or Identifiers** This includes falsification, alteration or misuse of personal identification, electronic identification, records or documents. **Examples:** Using the identification, password or computer account other than the Student's own.

- e. **Misuse of College Technology** This includes unauthorized access to or use of computing equipment, facilities, networks or systems, interference with data, such as destroying, altering, or rendering inoperable any stored information, including data, computer programs or equipment.

f. **Making False, Frivolous or Vexatious Complaints** This includes any complaint pursuant to this or any other College policy that is intentionally made by a person who knows it is false, frivolous or vexatious. *Examples:* Alleging a theft of personal property that is untrue; alleging an assault that did not occur; alleging harassment without any reasonable foundation for the allegation.

g. **Aiding or Abetting the Breach of College Policy** This includes encouraging, aiding or conspiring with another to engage in conduct that would, if committed by the Student, be a breach of this Policy.

h. **Violating Federal, Provincial or Local Laws** This includes any conduct that violates the laws of any applicable authority in a way that has a negative impact on the College or College community. *Examples:* Violations of B.C. Liquor Control Act; possession, use or sale of illegal drugs.

RELATED LEGISLATED REFERENCES

- [British Columbia College and Institute Act](#)

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

- [0-6-1 Protection of Privacy](#)
- [0-6-2 Records Management](#)
- [G-1.3 Board Decision Making Policy](#)
- [E-2.5.1 Student Misconduct Process](#)
- [E-2.9 Sexual Violence Policy](#)
- [E-1.13 Academic Integrity Policy](#)
- [Camosun College Support Person](#)
- [G-1.7.1 Appeal of Suspension from College Process](#)