

Policy History
Policy No. ST7
Approving Jurisdiction: Board of Governors, with Senate's Advice
Administrative Responsibility: Provost & Vice President Academic
Effective Date: May 1, 2017

Student Conduct (Non-Academic) Policy

A. CONTEXT AND PURPOSE

This policy outlines the rights and responsibilities of Students and the rights and responsibilities of the University concerning non-academic conduct of Students.

B. SCOPE AND LIMITS

1. This policy addresses matters of non-academic conduct of Students. This policy does not address matters related to academic integrity or complaints about instruction, services, employees or University policies, which are considered under other University policies.
2. This policy applies to Conduct Violations by Students in University and University-related settings, including but not limited to online environments.

C. STATEMENT OF POLICY PRINCIPLES

1. Standard of Conduct (Non-Academic)

The University ascribes to the highest standards of conduct. Adhering to these standards of conduct means observing the values on which an academic community must be founded: respect, safety, civility, inclusiveness, and freedom from harassment and discrimination. Students are expected to conduct themselves in a manner that is consistent with these values. These standards of conduct require that Students obey the law, be aware of and abide by University policies, behave in a safe and civil manner, demonstrate respect for members of the University's community, and demonstrate respect for the University's and its community members' property and resources.

2. Students' Rights and Responsibilities

- a. Students have a responsibility to meet the high standards of conduct set out in this policy.
- b. Students must not commit Conduct Violations.
- c. Students have the right to a safe and civil learning environment.

- d. Students have the right to exercise critical thought through the free expression and exploration of a wide range of ideas which may involve challenges to the beliefs and values of others. However, these challenges must not be personal attacks or involve the misuse, abuse or unauthorized use of the University's and its community members' property and resources and must not violate the standard of conduct required from Students by the University in this policy.
- e. Students who are subject to an allegation of a Conduct Violation have the right to have such allegations handled according to the principles of procedural fairness.

3. The University's Rights and Responsibilities

- a. The University has a responsibility to maintain a safe and civil environment conducive to working and learning that is free from disruptive, dangerous, or threatening conduct or the misuse, abuse, or unauthorized use of the University's or its community members' property or resources.
- b. The University has a responsibility to ensure that Students are informed of any additional standards of student conduct that have been set for University and University-related activities above and beyond what is outlined in this policy. Any additional standards of student conduct that have been set for University and University-related activities do not supersede the definitions and provisions of this policy but may clarify them as they are applied in a particular University or University-related activity. In any instance where any such additional standards are inconsistent with the standards set out in this policy, the standards in this policy shall prevail.
- c. The University has the right to evaluate, investigate and adjudicate allegations of Conduct Violations and to impose disciplinary sanctions that reflect the nature and severity of any Conduct Violation, but also has a responsibility to ensure that allegations of Conduct Violations are handled according to the principles of procedural fairness.

4. The Standard of Proof

In determining whether a Conduct Violation has occurred, the University adheres to a standard of proof based on a balance of probabilities. A balance of probabilities means that an act is more likely than not to have occurred.

5. Duty to Report Conduct Violations

All members of the University community have an obligation to report potential incidents of Conduct Violations in a timely fashion to the Student Rights and Responsibilities Office.

6. Relation of this Policy to other University Policies

This policy deals exclusively with non-academic conduct of Students and allegations of Conduct Violations. If an incident reported as an allegation of a Conduct Violation involves more than one policy, the Vice Provost Students will determine the appropriate policy(ies) and procedure(s) to be applied in consultation with the parties involved and this decision will be final.

7. Confidentiality

a. Confidentiality Principles

- i. Confidentiality is required so that all parties involved in incidents of Conduct Violations will come forward and so that the reputations and interests of those who are the subject of allegations are protected.
- ii. Confidentiality must be distinguished from anonymity and for an investigation into an allegation of a Conduct Violation to proceed, the identity of the Complainant and the details of the allegation will normally be released to the Respondent.

b. Confidentiality of Information

- i. During the course of an investigation into an allegation of a Conduct Violation, sensitive personal information may need to be collected, used and/or disclosed.
- ii. Students are required to maintain the confidentiality of any and all information provided to them during the course of an investigation into an allegation of a Conduct Violation, except where disclosure is required by law or is necessary in order for the Student to participate openly in that investigation.
- iii. The University, including University employees, are required to maintain confidentiality over information gathered during the course of an investigation into an allegation of a Conduct Violation, except where disclosure is required in order to investigate and resolve the allegation or is otherwise permitted or required by law and/or any University policy.

c. Breach of Confidentiality

Any person involved in an investigation into an allegation of a Conduct Violation who breaches confidentiality may be subject to disciplinary sanctions according to the appropriate University policy.

8. Protection from Retaliation

Members of the University community involved in an investigation under this policy must be confident that they do so without fear of reprisal. Retaliation against any individual who is involved in an investigation under this policy will not be tolerated by the University and may result in disciplinary sanctions according to the appropriate University policy.

9. Frivolous or Malicious Allegations

Allegations of Conduct Violations are serious matters and individuals who are found to have made frivolous, vexatious, or malicious allegations may be subject to disciplinary sanctions according to the appropriate University policy.

D. DEFINITIONS (ABBREVIATED)*

1. **Complainant:** the person who submits a complaint or report alleging a Conduct Violation.
2. **Conduct Violation:** engaging in, attempting to engage in, or assisting others to engage or attempt to engage in non-academic conduct that violates the standard of conduct required from Students by the University, generally as set out in this policy, or as specifically defined in the applicable procedures for dealing with allegations of Conduct Violations. Please refer to Section F of this policy for information regarding the application of procedures to this policy.
3. **Student:** an individual who is registered in credit courses at the University or has commenced studies in non-credit courses at the University and has maintained his/her eligibility to register.
4. **Respondent:** a Student alleged to have been engaged in a Conduct Violation.
5. **University:** Kwantlen Polytechnic University.

*A complete list of definitions applicable to this policy are available in the applicable procedures for dealing with Conduct Violations. Please refer to Section F of this policy for information regarding the application of procedures to this policy.

E. RELATED POLICIES & LEGISLATION

Bill 23 – Sexual Violence and Misconduct Policy Act

Human Rights Act

University Act (British Columbia)

AR3 Confidentiality of Student Records and Files

BP1 Student Events Involving the Consumption of Alcohol

BP2 Student Events Held on University Premises

IM3 Information and Educational Technology Usage Policy / Procedures

IM4 Confidentiality Policy/Procedures

SR1 Consumption of Alcoholic Beverages & Non-Medical Use of Drugs on University Premises

SR3 Smoking

SR8 Emergency Response to Inappropriate, Disruptive & Threatening Behaviour

ST2 Student Academic Integrity Policy/Procedures

F. RELATED PROCEDURES

Procedures for dealing with allegations of Conduct Violations are set out in *ST7 Procedures for Dealing with Conduct Violations*. Those procedures apply to all Students unless he or she is, at the time of an alleged violation, only registered in non-senate approved courses. For example, those procedures do not apply to a Student who is only registered in continuing and professional studies courses.

Procedures for dealing with allegations of Conduct Violations for Students who are, at the time of an alleged violation, only registered in non-senate approved courses (for example continuing and professional studies courses) will be published on the appropriate department website.