

Policy History
Policy No. ST7
Approving Jurisdiction: Board of Governors, with Senate's Advice
Administrative Responsibility: Provost & Vice President Academic
Effective Date: January 18, 2021

Procedures for Dealing with Conduct Violations

A. APPLICATION OF THESE PROCEDURES

1. The Policy applies to all Students.
2. These ST7 *Procedures for Dealing with Conduct Violations* apply to all Students unless he or she is, at the time of an Allegation, only registered in non-senate approved courses. For example, these procedures do not apply to a Student who is only registered in continuing and professional studies courses.
3. Procedures for addressing allegations of Conduct Violations for Students who are, at the time of an Allegation, only registered in non-senate approved courses (for example continuing and professional studies courses) will be published on the appropriate department website.

B. DEFINITIONS

1. **Allegation:** a complaint or report about an alleged Conduct Violation.
2. **Complainant:** the person who submits a complaint or report alleging a Conduct Violation.
3. **Conduct Hold:** a note on a Student's student record prohibiting access to that record and registration until an issue regarding an Allegation is resolved. A Conduct Hold is an administrative action to ensure the Allegation and Conduct Violation, if applicable, are addressed.
4. **Conduct Violation:** engaging in, attempting to engage in, or assisting others to engage or attempt to engage in conduct that violates the standard of conduct required from Students by the University, generally as set out in the Policy, and including but not limited to:
 - a. violation of a University policy, rule or regulation or failure to comply with the reasonable direction of University employees in the performance of their duties;
 - b. disruption or obstruction of teaching, research, or learning;
 - c. threatening, intimidating, endangering or creating conditions or situations which may endanger the health, safety, property, well-being or dignity of any person e.g. verbal abuse, physical and/or sexual assault, bullying, harassment or hazing;
 - d. hazing, which means endangering the mental/physical health or safety of a person for the purposes of initiation or admission into, affiliation with, or as a condition for continued membership, in a group, organization or association;

- e. disorderly conduct;
 - f. retaliation against any individual who is involved in an Allegation under the Policy or any other University policy;
 - g. breach of confidentiality under the Policy or under any other University policy;
 - h. making a frivolous, vexatious, or malicious Allegation under the Policy;
 - i. illegal or unauthorized possession of firearms, explosives, other weapons or dangerous chemicals or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear in others;
 - j. illegal possession, use, and/or sale of drugs on University property or in University-related settings;
 - k. use of alcoholic beverages on University property or in University-related settings unless expressly permitted to do so;
 - l. theft, damage, or defacement of the University's or others' property and/or resources;
 - m. misuse, abuse or unauthorized use of the University's name, symbols, facilities, or equipment;
 - n. interference with the University's services or operations, including access to the University;
 - o. impersonation of an instructor, Student or other member of the University community in relation to non-academic matters;
 - p. falsification of any non-academic University related document or supplying false information to the University in relation to non-academic matters.
5. **Director**: the University's Director, Student Rights and Responsibilities Office.
 6. **Investigation**: an investigation into an Allegation conducted under the Policy and these procedures.
 7. **Investigative Report**: the report issued by the Director or designate following an Investigation.
 8. **Policy**: ST7 *Student Conduct (Non-Academic) Policy*.
 9. **Respondent**: a Student alleged to have been engaged in a Conduct Violation.
 10. **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.
 11. **Suspension**: denial of access to academic programs, University property and services, and University and University-related activities.
 12. **University**: Kwantlen Polytechnic University.

C. PROCEDURES

1. Investigating an Allegation

- a. Review of Allegation
 - i. A review of an Allegation will be commenced by the Director or designate when one or more Complainants come forward with a verbal or written Allegation.
 - ii. The Director or designate will review and evaluate each Allegation on its own merits and after a preliminary review of the Allegation will determine whether to proceed with an Investigation under the Policy and these procedures.
 - iii. In the event the Director or designate makes a determination to proceed with an Investigation, the Director or designate will notify the Respondent in writing of the Allegation and will notify the Complainant and Respondent that the Director or designate will proceed with an Investigation.

- iv. In the event the Director or designate makes a determination not to proceed with an Investigation, the Director or designate will notify the Complainant in writing that the Director or designate will not proceed with an Investigation and, if appropriate (as determined by the Director or designate), refer the Complainant to another resource or authority. In such a case, the Director or designate will close the file and no further steps will be taken under the Policy and these procedures.
- b. Investigation of an Allegation
- i. If the Director or designate decides to proceed with an Investigation following a preliminary review of the Allegation, an Investigative Report will be prepared by the Director or designate by gathering any relevant documentation, interviewing the Complainant, interviewing the Respondent, interviewing potential witnesses and others who may have pertinent information, and providing the Respondent with an opportunity to respond to the Allegation and the information collected.
 - ii. Support During an Investigation
 - 1) Any person being interviewed in connection with an Investigation may bring one support person to the interview, but the support person may not speak on behalf of the individual being interviewed.
 - 2) Individuals acting as a support person during an Investigation are expected to conduct themselves in a professional and respectful manner. Failure to do so may result in that support person being asked to withdraw from an interview, in which case the individual being interviewed can agree to proceed with the interview without a support person or request the interview be postponed until an alternate support person has been identified. Any postponement and the length of such postponement will be at the discretion and determination of the Director or designate.
 - iii. In the event that a Respondent fails to attend the interview, declines to participate in an interview, and/or chooses not to participate or fully cooperate in the Investigation, a Conduct Hold may be placed on a Respondent's student record and the Director or designate may proceed with the Investigation without the benefit of the Respondent's participation. In such a case, the Investigative Report will be based on the information that he/she has gathered from other sources. When a Conduct Hold is placed on a Respondent's student record, both the Respondent and the University Registrar must be notified in writing, which written notification must include reasons for the Conduct Hold. The Conduct Hold will remain in place until the Respondent decides to fully cooperate in the Investigation (which may include attending an interview with the Director or designate). If the Investigation proceeds without the Respondent's participation and as a result of the Investigation the Director or designate determines that the Respondent has committed a Conduct Violation, the Conduct Hold will remain in place until such time as the disciplinary sanctions imposed on a Respondent have been satisfactorily completed (as determined by the Director or designate). If the Investigation proceeds without the Respondent's participation and as a result of the Investigation the Director or designate determines that the Respondent has not committed a Conduct Violation, the Conduct Hold will be removed from the Respondent's student record upon the Director providing written notification to the University Registrar.

- c. Immediate Restriction from the University
 - i. At any stage of an Investigation, if the Director or designate believes a Respondent poses a high or imminent risk to members of the University community or property, the Director or designate may temporarily restrict the Respondent from access to University services, property and/or University or University-related activities. Such a restriction from the University is an administrative action and therefore is temporary, pending the results of the Investigation. Generally, a restriction is not meant to have implications for a Respondent's ability to continue his/her academic pursuits and this consideration will be taken into account by the Director or designate when imposing a temporary restriction.
 - ii. When such a restriction is imposed, it will include a time frame, which time frame may be extended at the discretion of the Director or designate in the event the risk remains high or imminent.
 - iii. When such a restriction is imposed, the Director or designate will immediately inform the Respondent and the Vice Provost, Students, in writing, which written notification must include reasons for the restriction and the time frame of the restriction. If a restriction is extended, the Respondent and Vice Provost, Students must be notified immediately in writing, which written notification must include reasons for the extension.

- d. Alternate Dispute Resolution
 - i. In many situations where an Allegation has been made, an informal or alternate resolution process may be beneficial to the resolution of the matter.
 - ii. At any stage of an Investigation, the Director or designate may, if the Director or designate considers it appropriate in the circumstances, recommend that the Respondent, Complainant, and, if applicable, the University enter into an informal or alternate dispute resolution process. This option is voluntary and must be agreed to by the Respondent, Complainant and, if applicable, the applicable University official on behalf of the University.
 - iii. If the Respondent, Complainant and, if applicable, the University, elect to proceed under an informal or alternate dispute resolution process, the Investigation under the Policy and these procedures will be held in abeyance pending the outcome of the informal or alternate dispute resolution process. The Investigation will be held in abeyance for no longer than six (6) months and:
 - 1) if within six (6) months of the date the parties commence the informal or alternate dispute resolution process either:
 - a. the Complainant or Respondent notifies the Director or designate in writing that he/she withdraws from the informal or alternate dispute resolution process, or
 - b. the Director or designate determines that the informal or alternate dispute resolution process has failed,
 the Director or designate will resume the Investigation under the Policy and these procedures; or
 - 2) if within six (6) months of the date the parties commence the informal or alternate dispute resolution process, the Director or designate determines that the Allegation has been resolved under the informal or alternate dispute resolution process, then the Director or designate will terminate the Investigation of the Allegation under the Policy and these procedures. If the

Director makes such a determination, the Director or designate will notify the Complainant and Respondent in writing and will close the file. In such a case, no further steps will be taken under the Policy and these procedures.

e. Decision

- i. Within fifteen (15) business days of the completion of the Investigative Report, the Director or designate will send a decision letter to the Respondent by email.
- ii. The decision letter will outline:
 - 1) a description of the Allegation;
 - 2) the Director or designate's findings from the Investigative Report;
 - 3) the Director or designate's decision as to whether a Conduct Violation has occurred;
 - 4) the disciplinary sanctions imposed on the Respondent (if any), as described in section 1.f. below;
 - 5) that the Director or designate has recommended a Suspension to the President for review under section 1.f.v of these procedures, if applicable; and
 - 6) the reasons for the decision, the disciplinary sanctions (if any), and, if applicable, the recommendation under section 1.f.v of these procedures.
- iii. After a decision has been rendered regarding the Allegation and the Respondent has received the decision letter regarding the Allegation, the Director or designate will inform the Complainant that a decision regarding the Allegation has been made. Additional information may be provided to the Complainant regarding the decision if the Director or designate deems it appropriate. Any disclosure will be made in accordance with University policies.

f. Disciplinary Sanctions

- i. If the Director or designate determines a Conduct Violation has occurred, the Director or designate will determine what disciplinary sanctions will be applied (with the exception of a Suspension, which, if recommended by the Director or designate, will be determined by the President pursuant to section 1.f.v of these procedures) by considering the following factors:
 - 1) the nature and severity of the Conduct Violation;
 - 2) the impact the Conduct Violation has had on the University community;
 - 3) the inadvertent or deliberate nature of the Conduct Violation;
 - 4) whether the Respondent accepts responsibility for the Conduct Violation;
 - 5) whether the Conduct Violation is an isolated incident or not; and
 - 6) any other mitigating or aggravating circumstances.
- ii. While the University may impose a variety of disciplinary sanctions in response to a Conduct Violation, Respondents may also be provided with educational opportunities promoting good citizenship and personal growth and development.
- iii. The purpose of disciplinary sanctions are to affirm the standard of conduct required from Students by the University as outlined in the Policy, to repair harm that has been done and/or restore what has been damaged, and to guide Respondents in making appropriate choices in the future.
- iv. Respondents may receive more than one disciplinary sanction for a Conduct Violation. Disciplinary sanctions may include, but are not limited to:
 - 1) receiving a letter of reprimand;
 - 2) writing an apology;

- 3) producing a reflection paper;
 - 4) undertaking an educational project;
 - 5) undertaking community service;
 - 6) paying for damage or harm that has been done to University or a University community member's property;
 - 7) losing the privilege of access to designated University property, services and/or University or University-related activities;
 - 8) receiving a Suspension from the University by the President; and/or
 - 9) any combination of the above.
- v. If the Director or designate deems it appropriate in the circumstances, the Director or designate may recommend to the President that the Respondent receive a Suspension. In this case, the Director or designate will send the President a letter recommending the Suspension along with the reasons for the recommended Suspension, a copy of the Director or designate's decision letter issued pursuant to section 1.e.i of these procedures, and a copy of the Investigative Report. Upon considering the recommendation and hearing from the Respondent, the Director or designate and any other party(ies) the President determines appropriate, the President will send a decision letter to the Respondent by email regarding the Suspension, copied to the Director or designate. That letter will outline the decision concerning the Suspension, and, if a Suspension has been instituted, the reasons for the Suspension and the length of the Suspension. If a Suspension is instituted, the letter will be copied to the Registrar to be placed on the Respondent's student record. If the President determines that a Suspension is not required, the Director or designate will determine what, if any, lesser alternative disciplinary sanction is required and communicate that decision in writing to the Respondent.

g. **Monitoring Conditions of Sanctions**

If disciplinary sanctions are imposed on a Respondent under the Policy and these procedures, the Director or designate will assess whether or not the disciplinary sanctions are completed satisfactorily, and if they are not the Director or designate may place a Conduct Hold on the Respondent's student record until such time as the disciplinary sanctions have been satisfactorily completed. When a Conduct Hold is placed on a Respondent's student record, both the Respondent and the University Registrar must be notified in writing, which written notification must include reasons for the Conduct Hold.

2. Appeal of a Decision

- a. A Respondent may appeal a decision of the Director or designate and/or the President, as applicable, to the Senate Standing Committee on Appeals only on the basis of:
- i. procedural unfairness, which means that established procedures were not followed or were improperly applied during the Investigation and/or decision making process; and/or
 - ii. new information available, which could not have been available at the time of the Investigation, that could have reasonably impacted the decision.

- b. The Chair of the Senate Standing Committee on Appeals will review each request for eligibility based on the above criteria to determine whether the request will go before the Appeal Hearing panel.
- c. All appeals of decisions under the Policy and these procedures will be subject to and will proceed in accordance with published mandate of the [Senate Standing Committee on Appeals](#) and these procedures. Students seeking to file an appeal under the Policy and these procedures should refer to the committee's mandate and these procedures prior to filing an appeal.
- d. Any decision of the Senate Standing Committee on Appeals in respect of a Respondent's appeal under the Policy and these procedures is final and there is no further right to appeal.

3. **Records Retention**

- a. Records created as a result of actions taken under the Policy and these procedures shall be marked as confidential, treated as confidential to the extent outlined in section 7 of the Policy, and managed in accordance with the University's *Directory of Records and Retention Schedule*.
- b. In addition to the retention of records in accordance with the University's *Directory of Records and Retention Schedule* provided for above, any record of disciplinary sanctions imposed for a Conduct Violation under the Policy and these procedures will be included in the Student's student record held by the Office of the Registrar.

D. RELATED POLICY

ST7 Student Conduct (Non-Academic) Policy