



Policy History
Policy No. ST7
Approving Jurisdiction: Board of Governors, with Senate's Advice
Administrative Responsibility: Vice President Students
Effective Date: September 28, 2023

Student Conduct (Non-Academic) Procedure

A. DEFINITIONS

1. **Allegation:** a complaint or report about an alleged Breach of Non-Academic Conduct.
2. **Applicant:** for the purpose of this policy an applicant is anyone who makes a formal application for admission to the university, or pursues the intake process to register in coursework.
3. **Complainant:** the person who submits a complaint or report alleging a Breach of Non-Academic Conduct.
4. **Conduct Hold:** a note on the student record prohibiting access to registration until an issue regarding an Allegation is resolved; or, having been found responsible for a breach of non-academic conduct all assigned sanctions are completed satisfactorily. A Conduct Hold is an administrative action to ensure the Allegation and alleged Breach of Non-Academic Conduct, if applicable, are addressed and/or assigned sanctions, if applicable, are satisfactorily completed.
5. **Breach of Non-Academic Conduct:** engaging in, attempting to engage in, or assisting others to engage or attempt to engage in conduct that breaches the standard of conduct required from Applicants and 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, and/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, stalking, extortion

and/or sextortion, bullying, and/or harassment;

- 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 (unruly behaviour);
- 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. possession of firearms, explosives, other weapons or dangerous chemicals or use of any such item, in a manner that harms, threatens or causes fear in others;
- j. possession or use of non-medically prescribed drugs including the sale of any drugs on University property or in University-related settings;
- k. use of alcoholic beverages and marijuana 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, records, facilities, or equipment;
- n. interference with the University's services or operations, including access to the University;
- o. impersonation (in person or online) of an instructor, Student or other member of the University community;
- p. falsification, false completion or alteration of any University related document or supplying false information to the University, including but not limited to medical notes, an academic record or transcript, or an application form.

- 6. **Director:** the University's Director, Student Rights and Responsibilities Office.
- 7. **Investigation:** an inquiry into an Allegation conducted under the Policy and these procedures.
- 8. **Investigative Report:** the report issued by the Director or designate following an Investigation.
- 9. **Policy:** *ST7 Student Conduct (Non-Academic) Policy.*
- 10. **Respondent:** an Applicant or Student alleged to have been engaged in a Breach of

Non-Academic Conduct.

11. **Restorative Justice:** an approach to addressing and preventing non-academic conduct breaches, based on a recognition of the importance of building and repairing relationships and addressing the needs of all key parties.
12. **Restriction:** a temporary denial of access to all or some University services, property and/or University or University-related activities.
13. **Sanction:** a consequence for having been found responsible for a Breach of Non-Academic Conduct.
14. **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 their eligibility to register.
15. **Suspension:** denial of access to academic programs, University property and services, and University and University-related activities.
16. **University:** Kwantlen Polytechnic University.

B. PROCEDURES

1. Supporting Student Conduct (Non-Academic)

- a. In promoting a learning environment that is founded in respect, safety, civility, diversity and inclusivity, and freedom from harassment and discrimination, the University provides the following resources and support to all applicants, students and employees.
 - i. [Student Rights and Responsibilities Office](#) who helps applicants and students understand their rights and responsibilities;
 - ii. [Counselling Services](#);
 - iii. [KPU's 24/7 Student Support Program](#);
 - iv. [Here2Talk](#), BC's free, confidential 24/7 counselling and community referral service for BC post-secondary students; and
 - v. [Employee and Family Assistance Program \(EFAP\)](#), for KPU employees.
- b. In order to promote a safe and respectful learning community at KPU; faculty, instructional staff and students should be engaged in continued dialogue on student conduct throughout the duration of the academic term.

2. 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 and/or inform the local authorities.

- 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 (e.g., a family member, a friend, an Elder) 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. The Investigations and interviews conducted in connection with an Investigation are intended to be closed-door and access is given only to individuals pertinent to the matter unless otherwise permitted by the Director or designate at their sole discretion. In the event that the Director or designate permits an individual to attend an interview who is in support of the person being interviewed, that individual will not be given access to KPU records nor entitled to seek any records in the matter, may not speak on behalf of the individual being interviewed, shall be bound by the terms of this Policy including the possibility of entering an agreement to ensure confidentiality of any information received during the interview, and are expected to conduct themselves in a professional and respectful manner. Such discretion may be withdrawn by the Director or designate at any time.
- iv. 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 they have gathered from other sources. When a Conduct Hold is placed on a Respondent's student record, the Respondent 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 Breach of Non-Academic Conduct, the Conduct Hold will remain in place until such time as the 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 Breach of Non-Academic Conduct, the Conduct Hold will be removed from the Respondent's student record and the Respondent will be notified of this.

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 their 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 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, Security, the Vice President Students and any other affected parties on a need to know basis, 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, Security, the Vice President Students and any other affected parties on a need to know basis must be notified immediately in writing, which written notification must include reasons for the extension.

d. Informal, Alternate and/or Restorative Justice Resolution

- i. In many situations where an Allegation has been made, an informal, alternate and/or Restorative Justice resolution process may be beneficial to resolve 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, alternate and/or Restorative Justice resolution process. This option is voluntary and must be mutually and voluntarily agreed upon by the Respondent, Complainant and 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, alternate and/or Restorative Justice resolution process, the Investigation under the Policy and these procedures will be held in abeyance pending the outcome of the informal, alternate and/or Restorative Justice 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, alternate and/or Restorative Justice resolution process either:
 - a. the Complainant or Respondent notifies the Director or designate in writing that they withdraw from the informal, alternate and/or Restorative Justice resolution process, or
 - b. the Director or designate determines that the informal, alternate and/or Restorative Justice 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, alternate and/or Restorative Justice resolution process, the Director or designate determines that the Allegation has been resolved under the informal, alternate and/or Restorative Justice 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 twenty (20) 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 Breach of Non-Academic Conduct has occurred;
 - 4) the sanctions imposed on the Respondent (if any), as described in section 2.f. below;
 - 5) the Director's or designate's recommendation of a Suspension to the President for review under section 2.f.v of these procedures, if applicable; and
 - 6) the reasons for the decision, the sanctions (if any), and, if applicable, the recommendation under section 2.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. Sanctions

- i. If the Director or designate determines a Breach of Non-Academic Conduct has occurred, the Director or designate will determine what 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 2.f.v of these procedures) by considering the following factors:
 - 1) the nature and severity of the Breach of Non-Academic Conduct;
 - 2) the impact the Breach of Non-Academic Conduct has had on the University community;
 - 3) the inadvertent or deliberate nature of the Breach of Non-Academic Conduct;
 - 4) whether the Respondent accepts responsibility for the Breach of Non-Academic Conduct;
 - 5) whether the Breach of Non-Academic Conduct is an isolated incident or not; and
 - 6) any other mitigating or aggravating circumstances.
- ii. While the University may impose a variety of sanctions in response to a Breach of Non-Academic Conduct, Respondents may also be provided with sanctions that provide educational opportunities promoting good citizenship and personal growth and development.
- iii. The purpose of sanctions is 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 sanction for a Breach of Non-Academic Conduct. 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, instruction 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 memo 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 2.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, the length of the Suspension and any conditions to be completed to return to KPU after the term of the suspension. If a Suspension is instituted, the letter will also be copied to the Director, Student Rights and Responsibilities, Security and 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 be notified and the Director or designate will determine what, if any, lesser alternative sanction is required and communicate that decision in writing to the Respondent.

g. **Monitoring Conditions of Sanctions**

If sanctions are imposed on a Respondent under the Policy and these procedures, the Director or designate will assess whether or not the 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 sanctions have been satisfactorily completed. When a Conduct Hold is placed on a Respondent's student record, the Respondent must be notified in writing, which written notification must include reasons for the Conduct Hold.

3. Reconsideration of a Decision

- a. If new information becomes available, which was not available at the time the original decision was made, that could reasonably impact the original decision, a Respondent may request in writing to appeals@kpu.ca that the original decision be reconsidered. The request must be submitted by the Respondent within six (6) months of receiving the original decision. The Director and/or the President (in the case of a suspension) will re-review the original decision, taking into account the new information.

4. Appeal of a Decision

- a. Within six (6) months of receiving the original decision, a Respondent may appeal a decision of the Director and/or the President in writing to appeals@kpu.ca on the basis of procedural unfairness, which means that the established procedures were not followed or were improperly applied during the Investigation and/or decision-making process.
 - i. The Chair of the Senate Standing Committee on Appeals will review each request for eligibility based on procedural unfairness to determine whether the request will go before the Appeal Hearing panel.
 - ii. If the Chair of the Senate Standing Committee on Appeals deems that the claim

to procedural unfairness is not merited, the Director's and/or the President's original decision will be upheld. The Chair's decision is final and there is no further mechanism for appeal. The student will be informed of the decision.

iii. If the Chair of the Senate Standing Committee on Appeals determines the appeal is eligible to go before the Appeal Hearing Panel, a panel will be convened.

1) All appeals of decisions under the Policy and these procedures will be subject to and will proceed in accordance with the published mandate of the [Senate Standing Committee on Appeals](#) and these procedures. A Respondent 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.

2) Any decision of the Hearing Panel in respect of a Respondent's appeal under the Policy and these procedures is final and there is no further right to appeal.

b. A Respondent who is in continuing and professional studies courses may appeal a decision of the Director or designate and/or the President with the appeal process that will be published on the appropriate department website.

5. Records Retention

a. Records created as a result of actions taken under the Policy and these procedures shall be maintained by the Student Rights and Responsibilities Office, marked as confidential, treated as confidential to the extent outlined in section 7 of the Policy, and managed in a centralized location as approved by the Student Rights and Responsibilities Office.

b. Any action to student's record that impacts their enrolment status under the Policy and these procedures will be included in their student record held by the Office of the Registrar.

C. RELATED POLICY

ST7 Student Conduct (Non-Academic)