

STUDENT NON-ACADEMIC MISCONDUCT POLICY



- h) Nothing in this Policy prevents anyone, including professional licensing bodies and the College, from proceeding with civil, administrative, or criminal actions independent of any action taken under this Policy.
- i) Any reference to a position in this Policy includes any person that may be appointed as a designate to that position.

#### 4. Definitions

Appeal Panel	Means a panel composed of members of the Student Conduct Committee who are convened to hear Appeals on the decision of a Hearing Panel. Student Conduct Committee members who sit on a Hearing Panel cannot also sit on an Appeals Panel for the same Student.
Appellant	Means a Complainant or Respondent who files an Appeal of a decision made by a Hearing Panel or by the President of the College.
Balance of Probabilities	Means the standard of proof whereby an assessment is made as to whether a violation of the Policy is more likely than not to have occurred.
Behavioural Contract	Means an agreement between a Student who has engaged in prohibited behaviour and Okanagan College that outlines conditions the Student must follow to continue their studies. The contract may be for a specified period or for the full duration of the Student's program.
Bullying	Means any inappropriate action, conduct, or comment by a person towards another person that the person responsible for the action or comment knew or reasonably ought to have known would cause the other person to be humiliated or intimidated by excludes: <ul style="list-style-type: none"><li>a) Any reasonable action taken by the College, or by its employees in supervisory positions, relating to the management and direction of Employees or the workplace;</li><li>b) Any reasonable action taken by the College, or by an instructor, faculty member, or person in a similar position, relating to the management and direction of Students in the classroom, the management of Student conduct, or the management, direction, assignment, or supervision of academic work.</li></ul>
Case Management Group (CMG)	Means a subgroup of the Violent Incident Response Assessment Team (VTRA) and consists of the Dean of Students, the Manager, Security & Crisis Management, and one Campus Administrative Manager.
College Community	Means Students, Employees, members of the Board of Governors of the College, contractors, volunteers and visitors.

**College-Related Activity** Means an activity occurring on College property (including in Student housing), at College sanctioned events or conducted under the authority of the College. To be a College-Related Activity the activity must have a real and substantial connection to the College, or College-related functions, whether the activity occurred on College property, in person or online.

*In exceptional circumstances, incidents which do not occur on College property, or at College sanctioned events and are not conducted under the authority of the College may still be found to have a substantial connection to the College where they adversely affect the complainant's course of learning, teaching, or work, and may fall within the scope of this policy.*

**Community Service** Means service work carried out by a Student who has been found to have violated this Policy that contributes to the College community or to an approved service organization that agrees to work with the Student.

**Complainant** Means a person who seeks recourse under this Policy based on a belief that they have witnessed or experienced conduct which is prohibited by this Policy. The College may act as a Complainant in appropriate circumstances.

**Complaint** Means a verbal or written statement of alleged facts made by a Complainant seeking recourse under this Policy.

*A Complainant may use the Complaint form in this link: [Feedback and Complaints](#)*

**Course De-Registration** Means withdrawal from a course which can occur when a Student whose actions have had a negative impact on the learning environment or on an individual within the learning environment, is found responsible for a violation of the Non-Academic Misconduct Policy or the Sexual Violence and Misconduct Policy.

Employee	Means any person employed by (or who has an appointment with) the College.
Expulsion	Means permanent removal from Okanagan College of a Student who has engaged in prohibited behaviour. The Student may not be allowed to register in the future.
Forfeiture of Awards	Means the loss of the right to current or future awards or Okanagan College funded scholarships or bursaries as a result of misconduct.
Harassment	<p>Means bullying and any inappropriate action, conduct, or comment by a person towards another person that the person responsible for the action or comment knew or reasonably ought to have known would cause the other person to be humiliated or intimidated, but excludes:</p> <ul style="list-style-type: none"><li>a) Any reasonable action taken by the College, or by its employees in supervisory positions, relating to the management and direction of Employees or the workplace;</li><li>b) Any reasonable action taken by the College, or by an instructor, faculty member, or person in a similar position, relating to the management and direction of Students in the classroom, the management of Student conduct, or the management, direction, assignment, or supervision of academic work.</li></ul>
Hearing Panels	Means those panels convened to review Complaints of Major Incidents of Misconduct and to determine if Sanctions should be applied as a result of the misconduct. Hearing Panels are composed of members of the standing Student Conduct Committee.
Interim Measures	Means actions or measures that may be imposed on a Student pending the outcome of a preliminary assessment or investigation into a Student Non-Academic Misconduct or Sexual Violence and Misconduct Complaint.
Major Infraction	Means behaviour

## Procedural Fairness



## 6. Prohibited Conduct

- 6.1 Discrimination, Bullying and Harassment.
- 6.2 Failure to provide proper photo identification to an Employee acting within the scope of their position while on campus; for example: security, Student housing staff, exam proctor.
- 6.3 Creating a disturbance in a public place such as unreasonable noise or non-threatening behavior. This does not preclude Students' right to assemble for lawful protest; however, outside of the disruption caused by lawful assembly, the Policy is otherwise in full force during such an assembly.
- 6.4 Failure to properly monitor the conduct of guests.
- 6.5 Illegal or unauthorized use of, damage to, or removal of College equipment, facilities, or services.
- 6.6 Conduct that interferes with College learning environments or operations.
- 6.7 Intentionally supplying false information to avoid taking responsibility for conduct, or to intentionally defraud the institution or members of the College Community.
- 6.8 Failure to comply with reasonable direction of Employees acting within the scope of their duties.
- 6.9 Unauthorized possession or use of alcohol and/or illegal drugs on College premises, or at a College-Related Activity.
- 6.10 Sale of drugs or narcotics on College premises, or at a College event, course, or activity.
- 6.11 Breach of a Behavioural Contract or failure to comply with sanctions assigned as an outcome of a conduct review.
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6.20 Committing unlawful acts.

## 7. Reporting Prohibited Conduct

7.1 Any member of the Okanagan College Community who is the subject of, or witness to, conduct that violates the Student Non-Academic Misconduct Policy may file a Complaint.

7.2 At no time should any person put themselves at risk of harm in order to address the conduct of others. Any person who believes that they or anyone else is at risk should contact the Office of Campus Security or the Campus Administrative Manager immediately. When there is an emergency, call 911, then contact the Office of Campus Security.

## 8. Applicable Procedures

8.1 The ~~Procedures~~ *Procedures for Filing a Complaint of Student Non-Academic Misconduct*, set out the procedures for filing a Complaint pursuant to this Policy.

8.2 The Procedures for *Student Misconduct Investigations*

2005-06-28 Approval by Board of Governors:  
Student Non Academic Conduct Policy (D.2.1)