

 CAPILANO UNIVERSITY	Policy No.	Officer Responsible	
	B.701	Vice President, Academic and Provost	
	Policy Name		
Student Code of Conduct			
Approved by	Replaces	Category	Next Review
Board	E. 703 – Student Behaviour Policy	Student Affairs	2019
Date Issued	Date Revised	Related Policies, Reference	
April 18, 2017		B.701.1 Student Code of Conduct Procedures, B.701.2 Student Conduct Board Mandate and Structure, B.101, B.401, B.506, E.501; ARM 1122, S2015-02	

1. PREAMBLE

- 1.1. Capilano University (the “University”) provides a welcoming, respectful, and safe learning community that supports the institution’s mission, values, and vision. Students are expected to contribute positively to this community through actions that strengthen the University’s guiding values of diversity and individuality, inquiry and evidence-based decision making, academic integrity, open and respectful engagement with each other, personal accountability, commitment to community, and transparency.
- 1.2. The Student Code of Conduct protects the safety and security of the community while also supporting the learning of all Students. Where possible and appropriate, the University seeks to offer growth opportunities for Students who have engaged in Misconduct, with the goal of providing a response that is educational rather than punitive.

2. PURPOSE

- 2.1. The University recognizes that Student Misconduct can present significant barriers to the mission, values, and vision of the University as well as the safety and success of its Students and employees. As such, the University has a responsibility to act upon incidents of alleged Misconduct. This Policy defines the behaviours this responsibility encompasses and outlines the process for investigating and responding to violations.
- 2.2. Students are expected to make themselves aware of the information contained in this Policy. Lack of awareness does not excuse Students from their responsibility for their actions.
- 2.3. This Policy is designed to address Misconduct that has a potential for significant impact to learning, property, and/or safety. The University encourages faculty and staff to respond informally to instances of Minor Misconduct.

3. SCOPE

3.1. The University's Student Code of Conduct relates to Student Misconduct that significantly impacts the University community and/or its members. This Policy applies, but is not limited to the following:

- Misconduct that occurs on any University campus or property;
- Misconduct that occurs at an off-campus event or activity that is sponsored or approved by the University;
- Misconduct that occurs while representing the University in an approved learning pursuit such as a co-op, work study, field school, practicum, internship, or study abroad program; and
- Misconduct that occurs through the use of technology-based media and is directly linked to the University or carried out using University resources such as computers, Capilano email, or wireless internet.

3.2. The University reserves the right to investigate and respond to alleged violations of this Policy that occur off-campus and are outside of the parameters listed in 3.1. The following factors will be considered in determining whether or not an investigation into off-campus Misconduct may be pursued:

- Whether the incident involves a current Student;
- The number of Members of the University Community involved in the incident;
- The extent to which the incident occurred as a result of a connection to or relationship with the University; and/or
- The extent to which the incident affects Members of the University Community in their roles on campus.

3.3. This Policy is not intended to be used for the purposes of assessing professional or academic competency in the context of a work placement or practicum. Matters related to professional or academic standards are to be dealt with by the appropriate administrator or agency in the case of practicums, co-ops, and internships.

3.4. The prohibited Conduct outlined in this Policy also extends to other users and visitors of the University. The University reserves the right to take necessary reasonable action against users and visitors to ensure the safety and respect of the community.

3.5. The University may choose to investigate Misconduct concurrently to investigations by law enforcement, courts, or another external entity. During such investigations, decisions made pursuant to this Policy may differ from those made during external investigations.

3.6. Voluntary withdrawal from the University after an incident or allegation will not prohibit the University from investigating allegations and/or imposing sanctions. In such cases, the University may, in addition to any other interim sanctions, place an administrative hold on the Student's ability to register for University courses. The former Student may petition for a

removal of this hold at which time the Office of Student Affairs may choose to conduct a formal review of the incident and determine conditions for re-enrollment. This may include a subsequent investigation and assignment of sanctions.

4. DEFINITIONS

“Appellant” means a respondent who has filed or intends to file a formal appeal of the decision(s) of an administrator of this Policy.

“Balance of Probabilities” means the standard of proof used to determine findings of fact, requiring the evidence shows that the alleged Misconduct is more likely than not to have occurred.

“Campus” means any property that Capilano University owns and/or operates.

“Complainant” means a person who has made a report of an alleged violation of this Policy.

“Conduct” is a general term used to describe behaviour and is neither negative nor positive in connotation.

“Members of the University Community” means employees, Students, contractors, agents, Board members, volunteers, and visitors.

“Minor Misconduct” refers to behaviours that do not pose a significant risk to the safety or security of persons, property, and/or the learning environment. Minor Misconduct may be addressed informally or formally pursuant to this Policy.

“Misconduct” refers to behaviours described in Section 5 – “Prohibited Conduct”

“Respondent” means a Student who is investigated for an alleged violation of this Policy.

“Senate Student Appeals Committee” means the body that creates impartial tribunals to hear and determine appeals on grades and other academic matters and appeals regarding penalties imposed during academic integrity and Student Conduct proceedings.

“Student”, for the purpose of this Policy, means an individual who is registered in a credit or non-credit course or course of study at the University or who was so registered at the time the Misconduct is alleged to have occurred. This definition excludes those enrolled in programs or services designed to engage or teach children.

“Student Conduct Board” refers to the collective body that hears cases of Student Conduct and renders decisions.

“**Tribunal**” means the specific set of Student Conduct Board members responsible for hearing and adjudicating a particular complaint of Misconduct.

“**Witness**” refers to a person who is identified as having additional information regarding an alleged incident, typically through their presence during part or all of the incident.

5. PROHIBITED CONDUCT

5.1. For the purposes of this Policy and its associated Procedure, prohibited Conduct includes, but is not limited to:

5.1.1. Violence, Threats, and Intimidation – Aggressive or intimidating communication or physical behaviour that leads to or threatens bodily and/or emotional harm.

5.1.2. Compromising the Safety of Others – Creating or contributing to conditions that unnecessarily endanger the health, safety, and/or security of others.

5.1.3. Possession of Dangerous Objects – Storage, possession, or use of weapons, ammunition, explosives, fireworks, hazardous chemicals, and other objects that threaten to endanger the security of a University campus. This includes replica weapons that cannot easily be identified as non-dangerous, unless being used/carried for legitimate academic purposes and only with written approval from the Director, Facilities.

5.1.4. Misuse of Alcohol or Drugs – Possession, use, or sale of alcohol, narcotics, prescription drugs, or other controlled substances that occurs in contravention of applicable laws and statutes. Use of alcohol on campus is only permitted during licensed events by persons who are of legal drinking age in BC.

5.1.5. Damage to Property – Creating or contributing, whether intentionally or unintentionally, to conditions that result in the damage, vandalism, or defacing of property, infrastructure, or intellectual property belonging to the University or a Member of the University Community.

5.1.6. Theft or Removal of Property – Theft or attempted theft of belongings of any Member of the University Community. This includes removal of University property without consent.

5.1.7. Disruptive Behaviour – Speech, actions, or unreasonable demands for attention that interfere with or obstruct, instruction, learning, and/or services or access to instruction, learning and/or services.

5.1.8. Unauthorized Access or Use of Data and Systems – Entry to or use of University facilities, spaces, or electronic equipment/infrastructure/data/systems without authorization or legitimate access.

- 5.1.9. Attack on the Dignity or Security of an Individual or Group – Engaging in Misconduct that is demeaning, intimidating, harassing, or discriminatory towards one or more Members of the University Community. This includes, but is not limited to, all protected grounds under the BC Human Rights Code. Actions such as coercion, blackmail, and hazing/initiation are also prohibited.
- 5.1.10. Providing False Information or Identification – Knowingly submitting false information, academic or personal records, transcripts, letters of reference, documents, and/or identification to a staff member or office of the University. This includes submission of complaints under this or any other Policy that are found to be false or malicious.
- 5.1.11. Failure to Comply – Refusal of or disregard for a reasonable and appropriate direction or request by a University employee, contractor, law enforcement officer, or civil services professional (e.g., firefighter, bylaw officer). This includes compliance with outcomes and sanctions that are imposed or agreed upon under this Policy.
- 5.1.12. Interference With the Conduct Process – Actions that disrupt the Student Conduct process including coercion and/or intimidation of Witnesses or decision-makers, provision of false statements or evidence, and retaliation or malicious actions against any persons involved in the incident or process.
- 5.1.13. Laws, Statutes, and Policies - All Students are expected to conduct themselves in a manner that is compliant with all relevant federal, provincial, and municipal laws and statutes, including the Criminal Code of Canada. In addition, Students are expected to comply with all applicable University policies. Failure to adhere to or obey laws, statutes, and policies is considered to be a violation of this Policy.
- 5.2. The University encourages the responsible action of bystanders. Students who contribute directly to the commission of a group act of Misconduct, whether by action or non-action, may be held responsible under this Policy.

6. INVESTIGATION & RESPONSE

- 6.1. The Office of Student Affairs investigates and responds to alleged violations of this Policy. The procedures for responding to violations of this Policy are set out in B.511.1 – “Student Code of Conduct Procedure”.
- 6.2. In cases where the Office of Student Affairs determines that a formal investigation into an alleged incident of Misconduct is necessary, the Respondent(s) will be informed in writing of the investigation and provided reasonable opportunity to respond. The Respondent(s) will be informed, in writing, of the result of the investigation or subsequent processes. The University may choose whether to investigate internally or use an external investigation team.

- 6.3. All written communication between the University and Students involved will be sent primarily using each Student's assigned Capilano University email address.
- 6.4. Investigations and decision-making are guided by the principles of natural justice. Evidence will be weighed based on reliability, probative value, and relevance to the issues at hand. After all relevant and available evidence has been considered, a decision will be rendered on the balance of probabilities as to whether or not the Misconduct occurred and to what extent the Respondent(s) is responsible for the Misconduct.
- 6.5. Sanctions are recommended to the Vice-President, Academic and Provost by the Student Conduct Board or appointed adjudicator(s). The Vice-President, Academic and Provost may accept the sanctions, modify the sanctions, or refer the matter back to the Student Conduct Board for further review. When recommended sanctions include suspension or expulsion, the Vice-President, Academic and Provost will refer the matter to the President. A full list of possible sanctions and outcomes can be found in B.511.1 – "Student Code of Conduct Procedure".
- 6.6. The University reserves the right to impose an interim (temporary) sanction on a Student on the basis of a complaint(s), prior to the determination of responsibility, where the alleged Misconduct involves threats, safety, harassment, violence, or significant disruption to the learning/working environment. Interim sanctions must be reasonably required to protect the public, maintain order, ensure safety of persons and/or property, and generally prevent harm. Interim sanctions will be communicated to the respondent by one of the following: the Manager, Student Affairs and Services, the Manager, Campus Security and Emergency Management (Facilities), and/or the Vice-President, Academic and Provost (or designate). Interim sanctions may include temporary removal from a program and/or class, temporary access restriction, administrative hold, and/or no-contact order. An interim sanction may be appealed directly to the President.
- 6.7. Timeliness of investigation and response will vary based on factors including the availability of Witnesses or evidence and/or involvement in other investigations and legal proceedings. As such, any timelines stated in this Policy or the associated procedures are subject to change.
- 6.8. In situations where there is escalating concern for the safety of an individual of an individual or the community, the matter may be referred to the Violence Threat/Risk Assessment (V-TRA) Protocol. This process may occur at any time during the investigation or adjudication of a complaint in order to support the safety of Members of the University Community.

7. APPEALS

- 7.1. Respondents have the right to appeal decisions made by the Student Conduct Board, appointed adjudicator(s), the Vice-President, Academic and Provost, and/or the President pursuant to

S2015-02– Senate Student Appeals Committee Mandate and Structure and related Procedures. Appeals are submitted to and heard by the Senate Student Appeals Committee.

8. CONFIDENTIALITY

- 8.1. All persons involved in an investigation under this Policy must keep information related to the investigation, allegations, or outcome confidential and refrain from public disclosure unless expressly permitted by the University or required by law. Disclosure of information to a third party for the purposes of support and counsel is permitted, however, the person disclosing must accept the risk and responsibility associated with any information that is thereafter shared by said third party. Employees who participate in the Student Conduct process are required to maintain confidentiality pursuant to Policy B. 506 – “Standards of Conduct”.
- 8.2. Information, documents, and communication collected during the course of an investigation are considered to be confidential in nature. As such, records of an investigation will be disclosed only to the extent permitted under the *BC Freedom of Information and Protection of Privacy Act, RSBC 1996*.
- 8.3. In keeping with the confidential nature of the process, the University may provide limited details regarding the status of investigations to Members of the University Community only as it relates to the safety and security of individuals and/or the community or as deemed necessary to gather evidence or monitor compliance with sanctions.
- 8.4. Where permitted, complainants will be provided with limited details regarding the status of their complaint as it is deemed necessary to protect their safety and security and/or to provide a sense of closure. This will not necessarily include details related to sanctioning and finding of fact.
- 8.5. The confidentiality associated with this Policy does not supersede the University’s responsibility to contact and/or provide information to law enforcement or other persons/agencies in situations where there is a criminal violation and/or imminent risk of harm to persons.

9. DESIGNATED OFFICER

- 9.1. The Vice-President, Academic and Provost is responsible for the administration of this Policy.