

STUDENT NON-ACADEMIC MISCONDUCT POLICY

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A. PURPOSE

Douglas College (the College) is committed to providing an environment that is safe, inclusive and free from Bullying and Harassment and other forms of Non-academic Misconduct. This policy describes the obligations of all Students to behave in a manner consistent with this commitment and with published [College Values](#), and establishes procedures for responding to and resolving Complaints against Students for Non-academic Misconduct.

B. SCOPE

This policy applies where Non-academic Misconduct is alleged to have been committed by one or more Student(s) and where the alleged incident(s) occurred

- a. on College Property;
- b. off College Property in connection with a College-related Event or Activity sponsored, organized, led or required by the College; or
- c. in other circumstances that may adversely affect the working, learning or living environments at the College, or the College’s interests or reputation.

Limitations of Scope

This policy does not apply to alleged incident(s) of Misconduct relating strictly to matters of academic integrity (e.g., plagiarism, cheating); in such matters, see the *Academic Integrity* policy.

This policy is not intended to prohibit the respectful expression of differing viewpoints or peaceful protest; nor is it intended to fetter Students in their free pursuit of scholarly knowledge or engagement in frank discussion of controversial issues in their coursework, provided that such pursuits and discussions are conducted in a civil and respectful manner.

Application of Other College Policies

Conduct that violates this policy may also violate other College policies, such as but not limited to the following:

- For discrimination on grounds protected under the *BC Human Rights Code*, see also the *Human Rights* policy;
- For violence or the threat of violence that is sexual in nature, including sexual harassment, see also the *Sexual Violence and Misconduct Prevention and Response* policy; and
- For all other forms of violence or the threat of violence, see also the *Violence Prevention and Response* policy.

Where Non-academic Misconduct is alleged of a Student who is also an Employee and the allegation relates to the Student's conduct while acting in the capacity as an Employee, another College policy and/or procedure may apply, including, where appropriate, relevant collective agreement provision(s) and protections.

C. DEFINITIONS

Bullying and Harassment: See "Non-academic Misconduct," below.

College Community: All College Employees, Students and Board members, and any other person who is contractually obligated to comply with College policy.

College Property: In addition to the College's physical campuses, centres and Student Housing; includes, for the purposes of this policy, technology and technological spaces—such as online learning platforms and social media networks—that are relied upon by Students and/or Employees in the completion of their studies and/or work.

College-related Event or Activity: Any type of activity conducted under the auspices of the College at any location, including Student Housing and online or virtual locations (e.g., instruction, practicums, co-op or work experience placements, international field schools, sports events, artistic performances and Student club activity); events and activities held on College Property but within the exclusive control of an organization or group external to the College are not deemed College-related.

Complainant: A person who files a Complaint. In instances where the College becomes aware of alleged Non-academic Misconduct and no person comes forward with a Complaint, or where an investigation is required by law, the College may initiate an investigation.

Complaint: A written statement alleging violation(s) of policy.

Disruptive and/or Inappropriate Conduct: See "Non-academic Misconduct," below.

Employee: A person employed by the College, including administrators, faculty members and staff, and Students when employed by the College (e.g., as Student Assistants or Peer Tutors).

Investigator: A person appointed to investigate a Complaint.

Non-academic Misconduct: Conduct by a Student that is contrary to the College's commitment to providing an environment consistent with published [College Values](#) (i.e., an environment that is safe and inclusive and in which all members of the College Community are treated with civility, dignity and respect); may consist of a single significant incident or behaviour that is repeated and persistent, and may involve conduct that occurs in person and/or online.

Forms of Non-academic Misconduct include but are not limited to the following:

- a. **Bullying and Harassment:** Any inappropriate conduct or comment towards a person (the recipient) by another person who knew or ought reasonably to have known would cause the recipient to be humiliated or intimidated.

Examples of Bullying and Harassment include, but are not limited, to the following:

- Words, gestures, actions or practical jokes, the natural consequence of which is to humiliate, ridicule, insult or degrade, or create an atmosphere of anxiety or disrespect;
- Spreading malicious rumours or untruths;
- Threats or intimidation;
- Vandalizing personal belongings;
- Persistent rudeness or badgering, taunting, patronizing behaviour; or
- Other conduct that adversely affects working and/or learning conditions and/or work or academic performance.

Freely and respectfully expressing reasonable opinions and differences of opinion does not constitute Bullying and Harassment.

- b. **Disruptive and/or Inappropriate Conduct:** Behaviours that do not meet the definition of Bullying and Harassment but that a reasonable person would consider run contrary to the College's commitment to ensure a working and learning environment that is consistent with published [College Values](#) (i.e., an environment that is safe and inclusive and in which all members of the College Community are treated with civility, dignity and respect) and/or that interfere with normal College operations.

Disruptive and/or Inappropriate Conduct includes but is not limited to behaviours that do the following:

- Create significant disruption to the learning environment or impede the instructional process or the delivery of College services;
- Contravene published rules, regulations, procedures or common standards of safety, including regulations/protocols for specific locations within the College (e.g., Student Housing, laboratories, libraries and the gymnasium), and facilities used in partnership with other parties (e.g., Pinetree Community Centre, practicum work sites);

- Contravene College policies relating to the appropriate use of computer and information technology;
- Endanger or threaten to endanger the health or safety of members of the College Community or subject any member of the College Community to potential injury;
- Damage, deface or destroy College Property; or
- Are illegal.

Parties: The Complainant(s) and Respondent(s) named in a Complaint.

Respondent(s): A person or persons alleged to have engaged in conduct that violates policy.

Responsible Administrator: An executive of the College or an administrator responsible for the operations of a College department, Faculty or service area (e.g., Dean, Director, Chief Information Officer, Registrar).

Retaliatory Action: Any adverse action taken against a person because that person reports or alleges a violation of policy, seeks advice on making a Complaint, makes a Complaint, or co-operates in an Investigation of a Complaint.

Student: A person enrolled in studies at the College in credit or non-credit courses.

Student Housing: On-campus living accommodation operated by Douglas College.

Support Person: A member of the College Community who, owing to their knowledge of College policy and procedures, is able to offer confidential support to participants in an investigation (i.e., to either Party or a witness), and who may accompany the participant to any meetings relating to the process; the Support Person may assist the participant in ensuring clarity and completeness of any written or oral submissions but is not a party to or participant in the investigation.

D. POLICY STATEMENTS

1. Douglas College is committed to providing a working, learning and living environment that is safe, inclusive and free from Bullying and Harassment and other forms of Disruptive and/or Inappropriate Conduct, in which all members of the College Community are treated with civility, dignity and respect. Non-academic Misconduct undermines these objectives and is prohibited.
2. Students, along with all members of the College Community, have the right to expect, and the responsibility to create and sustain, a respectful College environment that is free from all forms of Non-academic Misconduct.
3. The College recognizes its responsibility to prevent Non-academic Misconduct through ongoing awareness programs to educate Students and other members of the College Community about the issues addressed in this policy.

4. Students and other members of the College Community who file a Complaint regarding an incident of Non-academic Misconduct can expect the College to provide the following:
 - Compassion, dignity and respect in the handling of the Complaint and any subsequent Investigation;
 - Sensitivity in the handling of personal information, and information about the limits of confidentiality with respect to an Investigation into a Complaint;
 - Timely information about available College support services and resources;
 - Timely consideration of appropriate academic, workplace or other accommodations, where warranted, and sensitivity to circumstances that might reasonably cause distress for either Party (e.g., avoiding contact between the Complainant and Respondent during the Investigation);
 - A clear explanation of the Investigation and decision-making process;
 - A procedurally fair and unbiased investigative process, conducted in accordance with the principles of natural justice;
 - Regular updates on the status of the process; and
 - A summary of the findings of the investigation.

5. Students who are accused of violating this policy can expect the College to provide the following:
 - Compassion, dignity and respect in the handling of the Complaint and any subsequent investigation;
 - Timely information about available College support services and resources;
 - Information on the options available to them; and
 - Where a Complaint is filed, a clear explanation of the investigation and decision-making process;
 - A procedurally fair and unbiased process;
 - Regular updates on the status of the process; and
 - A summary of the findings of the investigation.

6. The College recognizes its responsibility to provide procedures to respond to Complaints made under this policy, including, where necessary, providing an appropriate remedy to a Complainant where Non-academic Misconduct is found to have occurred, and imposing sanctions for violations of this policy, up to and including suspension.

7. The College reserves the right to initiate an internal investigation and/or to inform the relevant law enforcement agency without the consent of the person reporting an incident if the College has reasonable belief that the safety of a member of the College Community is at risk or that laws have been broken.

8. The College reserves the right to implement any immediate interim measures it considers necessary to protect the College Community or any of its members, pending the completion of an investigation into alleged Non-academic Misconduct. Such measures may include, but are not limited to, directing the Complainant, Respondent, witnesses or other parties to cease engaging

in a particular type of behaviour; restricting access to a specific campus or specific areas of College Property; and/or suspending/placing on leave from the College one or both of the Parties.

Such interim measures will be precautionary rather than disciplinary and should, therefore, remain in place for as short a time as possible.

9. Complaints of Non-academic Misconduct may involve confidential and sensitive information. The College recognizes its responsibility to avoid or minimize circumstances that might reasonably be expected to cause participants distress, so that those who may have experienced Non-academic Misconduct will feel free to come forward, and the reputations and interests of those accused are protected. All members of the College Community who are involved in Complaints or investigations regarding alleged violations of this policy must maintain the confidentiality of any information they receive during the course of the process.
10. Students and other members of the College Community have the right to pursue other processes external to the College in connection with the alleged Non-academic Misconduct, such as reporting a matter to the police, initiating civil action or filing a complaint under the BC [Human Rights Code](#). If another course of action is pursued, the College may elect to continue with the process under this policy or temporarily suspend its internal process pending the outcome of the external process.
11. Retaliatory Action of any kind is prohibited.
12. The College will keep a written record of all Complaints and investigations, according to the College's [Record Series and Retention Schedule](#).

E. PROCEDURES

Intervening: Caution and Temporary Exclusion

Where Non-academic Misconduct is reported to or observed by

- An Employee responsible for the instructional or service environment, such as a classroom instructor or librarian;
- A member of the College's Campus Security; or
- A practicum supervisor,

that person may caution the Student to cease the conduct immediately. The Student may also be required to leave the area or campus in which the event took place for a specified period of time.

Provided that the Student complies with the caution and any temporary exclusion order, the matter may be treated as resolved or referred for follow-up and investigation. If the Student does not comply with the caution, the matter will be referred to the Responsible Administrator, who may have the Student removed from the area in which the event took place for the remainder of that day, and may also initiate further action that may result in sanctions being imposed on the Student.

Safety Planning

Any member of the College Community affected by an incident of Non-academic Misconduct may request a safety plan. Students or other non-Employee members of the College Community may contact the Director, Safety, Security and Risk Management (SSRM). Employees may contact the Associate Vice President, Human Resources.

Reporting Alleged Violations of this Policy

The College encourages and expects members of the College Community to report incidents of alleged Non-academic Misconduct promptly, regardless of whether the person reporting the alleged violation experienced or witnessed the conduct, when either the conduct has not been addressed directly and informally by the person(s) affected, or the person(s) affected are not satisfied with the outcome of any attempt at direct and informal resolution.

Members of the College Community may consult with the Director, SSRM or the Vice President, Student Affairs, as appropriate.

Informal Resolution

1. Members of the College Community who believe they have experienced or witnessed Non-academic Misconduct and feel comfortable doing so are encouraged to attempt to resolve the situation by bringing the matter to the attention of the Student(s) engaging in the conduct, advising them that the conduct is unwelcome and contrary to this policy, and asking that the conduct cease immediately.
2. Members of the College Community may seek assistance in resolving the matter informally. Informal resolution may include a co-operative and voluntary process, such as a facilitated or mediated conversation between the Parties, a restorative justice process or a healing circle, as appropriate. Assistance in pursuing an informal resolution may be found as follows:
 - Employees may approach their Responsible Administrator (RA), or consult with the Human Resources (HR) department for additional support. At the Employee's request, another appropriate College Support Person, such as a union representative, may participate in a supportive role alongside the Employee.
 - Students and other members of the College Community may consult the College Employee who is closest to the situation of alleged Non-academic Misconduct and has some authority over the person whose conduct they want to address (e.g., if the allegation relates to another Student in a course, the most appropriate Employee for the individual to speak to is the course instructor; if the allegation relates to a Student who is also an Employee, the most appropriate person for the individual to speak to is that Student-Employee's supervisor).
3. A College Employee may serve as mediator in such a conversation or process, or consult with an RA or an HR Advisor for more appropriate referral. Any of the Parties may elect to invite an

appropriate College Support Person to participate in a supportive role alongside them during any informal resolution process.

- For Students, this Support Person will normally be the Douglas Students' Union Ombudsperson, a College Counselor or a person from Indigenous Student Services;
- For unionized Employees, this Support Person will normally be a steward or union representative;
- For non-unionized Employees, this Support Person will normally be another administrator.

The person facilitating or mediating the informal resolution process may consider requests for others to serve as Support Persons: they are particularly encouraged to consider intersectional factors of vulnerability and/or systemic barriers faced by persons from underrepresented or marginalized groups, and to be receptive to inclusion of other Support Persons where such inclusion would serve to lessen such barriers or marginalization.

4. The Complainant or Respondent may withdraw their participation from an informal resolution process at any time.

Submitting a Complaint of Alleged Non-academic Misconduct

If the matter cannot be resolved informally, or if the affected member(s) of the College Community do not wish to pursue informal resolution, a Complaint may be filed in accordance with the procedures outlined below.

1. Complaints are to be submitted as follows:
 - Complaints filed by an Employee against a Student should be submitted to the Complainant's Responsible Administrator.
 - Complaints filed by one Student against another Student should be submitted to a College Employee with whom the Complainant feels comfortable (e.g., an instructor, a counselor, a department Chair/program Coordinator, Associate Dean or Dean of their Faculty, or a person in Indigenous Student Services), who will forward it to the appropriate Employee.
2. Complaints must be made in writing; however, in circumstances where the Complainant is unable to submit a written Complaint, they may contact the appropriate recipient of the Complaint for accommodation, which could include accepting an initial verbal report or arranging for the verbal report to be written down by another party.
3. The Complaint should be dated and signed, and set out the following information:
 - The Complainant's full name, contact information, and Employee or Student number (as appropriate);
 - Specific details about the alleged Non-academic Misconduct or other alleged violation of this policy, including dates and locations these behaviours occurred;
 - A list of any potential witnesses;

- Where the Complainant has attempted to resolve the alleged violation(s) informally, the details about and results of those efforts; and
 - Any relevant documents, such as text messages, emails or social media communications.
4. Where the Complaint involves more than one Respondent, Complainants are encouraged, to the extent practicable, to address allegations about each Respondent separately.
 5. A Complainant has the right to withdraw a Complaint at any stage of the process. However, the College may continue to act on the issue(s) identified in the Complaint where it is obligated by law or policy to do so.

Initial Review of Complaints

1. Upon receipt of a Complaint, the Responsible Administrator (RA) will within two (2) business days respond to the Complainant to acknowledge receipt of the Complaint and conduct an initial review to determine whether any immediate interim measures are warranted to ensure the safety of all Parties in the working, learning and/or living environment, pending full review of the Complaint. Where interim measures are warranted, the College will put such measures in place expeditiously.
2. Where the Complaint raises concerns of physical safety and/or the threat of imminent harm or danger to any member of the College Community, the RA will immediately notify the Director, Safety, Security and Risk Management, who will initiate Violence Threat/Risk Assessment protocols.
3. After acknowledging receipt of the Complaint and, where warranted, putting interim measures in place, the RA will within an additional ten (10) business days review the Complaint in full and do one of the following:
 - a. Where the allegations within the Complaint do not fall within scope of any conduct-related College policy, advise the Complainant in writing that the Complaint will not proceed and provide an explanation.
 - b. Where the allegations within the Complaint are found to fall within scope of one or more conduct-related policies, advise the Respondent in writing that a Complaint has been filed, and
 - i. with the agreement of both Complainant and the Respondent, refer the matter to an alternative resolution process, as outlined below; or
 - ii. appoint an Investigator to investigate the Complaint.
 - c. Where the RA believes that the Complaint discloses information that the College may be obligated to act on, whether under law or under another College policy or process, the RA will consult with the Director, Safety, Security and Risk Management and/or the Vice President, Student Affairs, as appropriate, and refer the Complaint or the relevant portions of the Complaint on, as warranted. When appropriate, the RA will advise the Complainant before referring the Complaint elsewhere; however, where the College has a duty to act, its actions are not subject to the Complainant's consent.

4. Under exceptional circumstances, where the Responsible Administrator (RA) is unable to meet the timelines set out above, the RA will inform the Complainant as soon as possible of this fact and provide a revised timeline.

Alternative Resolution Processes

The College recognizes that alternative resolution processes may be most appropriate when the Parties to the Complaint belong to the same group (e.g., they are both Students), and less appropriate when there is a real or perceived power differential between Parties (e.g., one is a Student and another a faculty member, staff member or supervisor). Participation in an alternative dispute resolution process is entirely voluntary. The Parties are under no obligation to participate in such a process.

1. The RA should consider the appropriateness and potential effectiveness of an alternative resolution process regardless of whether or not the Complainant attempted to address their concerns directly with the Respondent prior to submitting a written Complaint.
2. If the RA believes that an alternative resolution process may be appropriate, the RA will discuss this option with the Complainant. If the Complainant agrees that an alternative resolution process may be appropriate, the RA will contact the Respondent to discuss this option with the Respondent. If the Respondent agrees to participate in an alternative resolution process and the RA remains satisfied that an alternative resolution process is appropriate, then the RA will explore the options available and, with the agreement of both Parties, refer the matter to that process for resolution.
3. If the Parties do consent to participate in an alternative resolution process, they may decide at any time to withdraw this participation, at which point the RA will appoint an Investigator to investigate the Complaint, as outlined below.

Investigations

If the matter cannot be resolved through an alternative resolution process, or if either Party declines to participate in an alternative resolution process, the College will investigate the Complaint in accordance with the procedures outlined here.

1. The College will appoint an Investigator to investigate the Complaint and establish the appropriate terms of reference for the investigation. In every case, prior to making an appointment, the College shall ensure that there are no grounds for a reasonable apprehension of bias on the part of the Investigator.
2. Investigators may be external or internal to the College. In some instances, after consultation with the Vice President (VP), Student Affairs (or designate), the RA's supervisor and/or the Director, Safety, Security and Risk Management, as appropriate, the RA receiving the Complaint may conduct the investigation.
3. The College will identify for the Investigator the College policy or policies and any laws or regulations under which the investigation will proceed.

4. Where the Misconduct is alleged to have taken place at an off-campus location (e.g., a practicum setting or worksite), the College will pursue appropriate action and investigation with the appropriate level of administration for that off-campus setting.
5. The College will advise participants in the investigation of the option to have a Support Person present for interviews:
 - For Students, this Support Person will normally be a representative of the Douglas Students' Union, a counselor or a person from Indigenous Student Services.
 - For unionized Employees, this Support Person will normally be a steward or Union representative.
 - For non-unionized Employees, this Support Person will normally be someone from the Human Resources department or from the same Employee group as the participant.

The Investigator has discretion to consider requests for others to serve as Support Persons. Investigators are encouraged to consider intersectional factors of vulnerability and/or systemic barriers faced by persons from underrepresented or marginalized groups, and to be receptive to inclusion of other Support Persons where such inclusion would serve to lessen such barriers or marginalization.

6. Investigations (including the preparation of the Investigator's report) will be completed expeditiously, and normally within twenty (20) business days of an Investigator's receipt of a Complaint. If during the course of an investigation the Investigator believes that this timeline cannot be met, the Investigator will contact the Complainant, the Respondent and the Responsible Administrator (RA) as soon as possible to inform them of the revised timeline. Where the RA who received the Complaint is conducting the investigation, that RA will also notify other College administrators (e.g., the Director, Safety, Security and Risk Management or Vice President, Student Affairs), as appropriate.
7. Investigations are not adversarial processes, and hearings will not be held as part of the investigatory process. Formal rules of evidence commonly associated with civil or criminal trials will not be applied.
8. In all investigations, the Respondent will be informed of the allegations made against them and will be given a full opportunity to respond.
9. The Investigator will conduct the investigation using a procedurally fair and sensitive process, taking care to minimize or avoid circumstances that might reasonably be expected to cause participants distress (e.g., the Complainant having to come into direct contact with the Respondent). The investigation process may include, but is not limited to, the following:
 - a. Requesting a written response to the Complaint from the Respondent, including a list of any potential witnesses along with a description of the information those witnesses are expected to provide, and any relevant documents, including any text messages, emails, and social media communications;

- b. Meeting separately with or requesting further information from the Complainant;
 - c. Meeting separately with or requesting further information from the Respondent;
 - d. Meeting separately with or requesting further information from any other individuals who may have information relevant to the investigation; and
 - e. Obtaining any other evidence that may be relevant to the investigation.
10. At the completion of the investigation, the Investigator will submit a written report to the Responsible Administrator (RA) who appointed the Investigator. Where the RA who received the Complaint is conducting the investigation, that RA will also notify other College administrators (e.g., the Director, Safety, Security and Risk Management, the Vice President, Student Affairs and/or the RAs for the Parties), as appropriate. The report will normally include the following information:
- a. A summary of the evidence considered;
 - b. Any assessment of credibility that is required to render a determination;
 - c. The Investigator's findings of fact; and,
 - d. A determination as to whether, on a balance of probabilities, College policy has been violated.
11. The College will provide the Complainant and the Respondent with a summary of the Investigator's findings.

Investigative Outcomes

1. If the Investigator's report determines that Student Non-academic Misconduct has occurred, or that College policy has otherwise been violated, the following will occur:
 - a. The supervising RA will determine what disciplinary or other measures are appropriate based on the findings in the report. Penalties and sanctions imposed under this policy will be commensurate with the seriousness of the Misconduct and may include, but are not limited to, the following:
 - The requirement that Parties to the investigation or other members of the College Community affected by the Complaint or by the investigation participate in workshops, education or awareness training, or the recommendation that they participate in mediation or restorative processes;
 - A letter of reprimand;
 - Restriction of access to specific College activities, facilities and/or services;
 - A College Community Service Order;
 - A Restitution Order; and/or
 - Suspension for a defined period of time, up to and including permanent suspension.
 - b. Where suspension of a Student is a potential outcome, the RA will refer the matter to the President for decision, in compliance with Section 37 of BC's [College and Institute Act](#).

- c. The Respondent will be notified of the Responsible Administrator's (RA's) decision regarding disciplinary or other measures to be taken against the Respondent.
 - d. The Respondent will be notified of the option to appeal, as described below.
2. If the Investigator's report determines that College policy has not been violated, the RA will dismiss the Complaint and so notify the Complainant and the Respondent. The Complainant will be notified of the option to appeal, as described below.
3. Whether or not the Investigator's report determines that Non-academic Misconduct has occurred, or that this and/or any other College policy has otherwise been violated, the RA may
 - a. Direct Parties to the investigation or other members of the College Community affected by the Complaint or by the investigation to participate in workshops, education or training, or recommend that they participate in mediation or restorative processes; or
 - b. Refer the Investigator's report, or the relevant portions of it, to the appropriate College authority, if the RA believes that the report discloses other kinds of Misconduct or information that the College may need to act on under another College policy or process.
4. A finding of Non-academic Misconduct and any sanctions imposed on a Respondent will form part of the Respondent's official Student record. The Office of Enrolment Services must be notified to place a notation of the sanction on the Student's file. Such notation should be taken into account in the event of subsequent findings of Misconduct against the Student.

Appeals

(Note: If the Student Respondent is also a unionized Employee and a finding of Non-academic Misconduct relates to actions taken by the Student while acting in the capacity of Employee, the following procedures do not apply; timelines and process matters for filing a grievance of any discipline will be as set out in the relevant collective agreement.)

1. A Student Respondent may appeal the process followed by the Investigator only if there are grounds to show that due process was not followed or that the relevant policies were incorrectly applied during that process.
2. An appeal must be submitted in writing within ten (10) business days after receipt of the decision of the RA. The written submission must provide specific grounds for the appeal, describing how this policy was incorrectly applied or due process was not followed, and be submitted to the Vice President, Student Affairs.
3. A Student who has been suspended by the President has a right of appeal to the College Board. The Student must submit the appeal to the Vice President (VP), Student Affairs, who will review the appeal for completeness before forwarding it to the College Secretary to submit to the College Board.

4. An appeal will not reconsider the original Complaint, although the VP, Student Affairs has discretion to consider any new evidence that could not reasonably have been available at the time of the original investigation.
5. An appeal may be upheld or dismissed, in whole or in part, and/or referred back to the Responsible Administrator for reconsideration.
6. The VP, Student Affairs will give reasons for the decision in writing. Their decision is final.

Confidentiality

1. Confidentiality from and about all persons and information involved in a Complaint of Non-academic Misconduct is expected. Confidentiality must, however, be distinguished from anonymity: if a Complainant wishes to proceed with a Complaint, the Respondent must be made aware of the nature of the allegations, including the identity of the Complainant.
2. To protect the integrity, fairness and effectiveness of investigations, and to ensure compliance with BC's [Freedom of Information and Protection of Privacy Act \(FIPPA\)](#), all participants in an investigation must act in accordance with the requirements set out below.
3. Individuals, including the Complainant and the Respondent, who have obtained personal information about an identifiable individual through the course of participating in an investigation must not disclose this information to anyone except their own personal advisors or representatives, or as required by law. However, this section does not prevent
 - a. Any participants in an investigation from disclosing information about themselves or from disclosing information that they have obtained outside the investigation; or
 - b. College representatives from disclosing investigation-related information as authorized under this policy.
4. The College will not disclose any personal information related to an investigation except to the extent that such disclosure is
 - a. Expressly authorized by the affected individual;
 - b. Made to a College representative on the grounds that it is necessary for the performance of that individual's duties (e.g., communicating to a supervisor any restrictions to the times of day or days of the week that a Student or an Employee may access specific College facilities);
 - c. Made to a Complainant, Respondent, witness or other participant in the investigation on the grounds that it is necessary for the conduct of the investigation;
 - d. Authorized by this policy;
 - e. Authorized or required under law; or
 - f. Deemed necessary to prevent imminent risk of harm to self or others in the College Community or wider community.

5. To maintain the integrity of the investigation process, the College must ensure that both Complainants and Respondents know the Investigator's findings.
6. Under the [Freedom of Information and Protection of Privacy Act](#), the College will authorize the disclosure of disciplinary actions it has taken against a Respondent only if such disclosure is necessary for compelling health or safety reasons (e.g., the College will normally inform Complainants of any restrictions that may have been imposed upon the Respondent's movements or activities).

Retaliatory Action, Breaches of Confidentiality, and Complaints Made in Bad Faith

1. Where a member of the College Community is found to have engaged in Retaliatory Action, including filing a Complaint under this policy as an act of retaliation, or to have breached the confidentiality requirements in this policy, the College may take appropriate disciplinary action.
2. Where member of the College Community is found to have filed a Complaint in bad faith, the College may take appropriate disciplinary action.

F. SUPPORTING FORMS, DOCUMENTS, WEBSITES, RELATED POLICIES

[Administration Policies](#)

- *Bullying and Harassment Prevention and Response*
- *Human Rights*
- *Sexual Violence and Misconduct Prevention and Response*
- *Violence Prevention and Response*

[Douglas College Values](#)

G. RELATED ACTS AND REGULATIONS

- [Freedom of Information and Protection of Privacy Act](#) [RSBC 1996], c. 165
- [Human Rights Code](#) [RSBC 1996], c. 210
- [Workers Compensation Act](#) [RSBC 2019], c. 1

H. RELATED COLLECTIVE AGREEMENTS

- [Collective Agreement between Douglas College and the BC General Employees' Union \(BCGEU\)](#)