
LEARNER CODE OF CONDUCT PROCEDURE

PLAIN LANGUAGE SUMMARY

Parent Policy

What is this procedure for?

This is the procedure for the Learner Code of Conduct Policy and the Sexual Violence Policy.

Purpose

What is this procedure for?

This procedure tells how to put into practice the Learner Code of Conduct Policy, the Sexual Violence Policy, and the Sexual Violence Procedure for learners.

Scope

What does this policy cover?

This procedure is for all Bow Valley College learners in any location, online or in person. This procedure is for when the behaviour of the learner is connected with the College.

Compliance

How do you follow this policy?

Everyone at the College must know and follow all College policies and procedures.

Procedures

What procedures do you and the College have to follow?

1. General

- 1.1. When someone breaks the Learner Code of Conduct Policy, all employees and learners can intervene, but should make sure they are safe. If someone does something that puts anyone in danger, then employees and learners must tell security or the nearest supervisor as quickly as possible. They must also make a formal report.
- 1.2. All interventions must still follow the Learner Code of Conduct Policy & Procedure.
- 1.3. Anyone who wants to make a Learner Code of Conduct complaint and needs help can ask LearnerSuccess Services.
- 1.4. Learners and employees should carefully choose whether they need to request a formal response or an informal response.
- 1.5. If a learner's behaviour falls under more than one College policies or procedures, they may be handled under those policies and procedures as well.
- 1.6. If a case involves a learner and an employee, Human Resources and the responsible officer will decide how to proceed. The Executive may be involved if the situation is serious enough.
- 1.7. If the police are involved, the College may still hold its own independent investigation.
- 1.8. If the College is investigating anything under the Code of Conduct, and there is a criminal investigation, the College will cooperate with the police. The College can still continue its own investigation.

When you intervene, or make an intervention, it means you stop someone from doing something.

2. Education

- 2.1. The College will teach people about this policy and procedure.
- 2.2. The College will support learner mental and physical health. The College will teach people about the connection between behaviour and mental and physical health. The College will give resources that can help people, so they do not break the Code of Conduct.

3. Informal and Immediate Responses

3.1 An informal response may be a good choice when the misconduct is:

Misconduct is behaviour or actions that break the Code of Conduct.

- 3.1.1. Minor.
- 3.1.2. Not a risk to safety.
- 3.1.3. Is not ongoing.
- 3.1.4. Does not start other misconduct.

3.2. Learners and employees can ask Learner Success Services for help on informal responses to misconduct. Informal responses can include:

- 3.2.1. Strategies for complainants to address respondents directly.
- 3.2.2. Strategies for employees to help learners to talk to each other about misconduct.

The complainant is the person who makes the complaint.

The respondent is the person who is accused of doing something wrong.

- 3.3. An informal response can be a spoken warning. It can mean asking someone to stop doing what they are doing.
- 3.4. Employees should tell learners about things that can help or support them. This can help stop further misconduct.

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- 3.5. If the misconduct risks another learner's safety or affects their ability to learn, an employee can ask a learner to leave a class or a facility for up to one working day. If this happens, the employee must make a formal report.
 - 3.6. It is a good idea to keep an informal record of misconduct. This can help when making a request for a formal response.

4. Formal Responses

4.1. Reporting

- 4.1.1. Anyone at the College can submit a formal response. They do this by giving Learner Success Services a formal report. A formal report should include:
 - 4.1.1.1. What happened, including the name of the respondent if possible.
 - 4.1.1.2. The name and contact information of the complainant, unless the complainant wants to be anonymous.
 - 4.1.1.3. The names of witnesses.
 - 4.1.1.4. Relevant evidence and supporting documents.
- 4.1.2. A formal response is a good choice when the misconduct is:
 - 4.1.2.1. Serious.
 - 4.1.2.2. Risks someone's safety.
 - 4.1.2.3. Keeps happening after informal responses.
 - 4.1.2.4. Starts other misconduct.
- 4.1.3. Formal responses will be handled quickly and will follow this procedure.
- 4.1.4. You can give an anonymous formal report, but this may limit the College's investigation.
- 4.1.5. When Learner Success Services gets a formal report, they will decide:

4.1.5.1. If the misconduct should get an informal or a formal response.

4.1.5.2. If any interim measures are needed.

4.1.6. The Responsible Officer may choose people to be: decision-maker, investigator, coordinator, or one or more of these roles.

4.1.7. Someone at Learner Success Services (the “coordinator”) will manage the interim measures and the formal response.

Interim measures are when something needs to be done right away, while the investigation takes place.

4.2. Interim Measures

4.2.1. Respondents, complainants, and other people may have to follow interim measures. Interim measures are used to keep people safe during an investigation.

4.2.2. Anyone can request interim measures before the investigation is over.

4.2.3. Interim measures can include:

4.2.3.1. Change in class schedule or modality (online or in person).

4.2.3.2. Change in access to services, which may include food services, Registration Services, Learner Success Services, library services, parking services, and bookstore services.

4.2.3.3. No contact with certain people.

4.2.3.4. Change in access to campus locations. A learner may not be allowed in some or all campus locations.

4.2.4. The College will clearly write down interim measures and give a copy to everyone who needs to know. Those people must follow the interim measures.

4.2.5. The College will give learners information and support if needed.

4.3. Investigation

- 4.3.1. The investigator will tell information about the process to everyone who is involved, including the complainants and respondents.
- 4.3.2. The investigator will tell the respondent about the investigation, including reasonable details of the allegations, evidence, and supporting documentation. The investigator will give the respondent an opportunity to respond to the allegations and evidence.
- 4.3.3. The investigator:
- 4.3.3.1. Will collect and look at all information.
 - 4.3.3.2. May interview the complainant, employees, learners, and other relevant people.
 - 4.3.3.3. May speak with other College employees who know about a topic or area of the College.
- 4.3.4. The investigator may make recommendations to the decision maker. The investigator can suggest interim measures. The investigator can also suggest that a committee should be involved in the decision-making.
- 4.3.5. When the investigation is finished, the investigator will make a report. The report will include the information, the source of the information, and a decision whether there was misconduct. If there was misconduct, the report will say how serious it was, any circumstances around the misconduct. The investigator will recommend an informal response or a sanction.
- 4.3.6. If a respondent withdraws from the College or refuses to participate in the investigation, they will still be investigated and still may have sanctions.
- 4.3.7. You are not allowed to make a formal report without a good reason, or to do it only to cause trouble for someone.
- 4.3.8. If the investigator decides that the formal report was made without a good reason, they

An **allegation** is when someone says you have done something wrong, but it has not been proven yet.

will report that to the coordinator. The coordinator may decide there should be disciplinary action (punishment) against the person who made the report.

4.3.9. You are not allowed to threaten a complainant or anyone else because they:

4.3.9.1. Follow a policy or procedure.

4.3.9.2. Do anything within their rights, including making a disclosure, formal report, or contacting the police.

4.3.9.3. Participate in an investigation.

4.3.9.4. Talk with someone who is doing any of the above.

4.4. **Decision Making**

4.4.1. The decision maker or the committee will look at the investigator's report. They may:

4.4.1.1. Use the investigator's report.

4.4.1.2. Make their own investigation.

4.4.1.3. Or both.

4.4.1.4. And they may: use the investigator's decision.

4.4.1.5. Use their own decision.

4.4.1.6. Give the respondent an opportunity to make a final representation.

4.4.2. The responsible officer may give the case to a committee for any reason, including:

4.4.2.1. The allegation is severe.

4.4.2.2. The allegation may have a severe impact on the respondent.

4.4.2.3. The decision may have a big impact on making College policy.

The responsible officer will choose a committee and will include the responsible officer as Chair, a learner, and two other people who are Directors/Managers/Deans/Associate Deans

who are not involved with the misconduct. If the formal report is about someone who is applying to the College, the Director, Enrolment Services and Registrar will be one of the committee members. The responsible officer will give the committee all the important reports and information.

4.5. Investigative Outcomes

4.5.1. Insufficient Evidence. If there is not enough evidence of misconduct, the formal report will be dismissed. The respondent will not have any sanctions. Any interim measures will immediately end. The College may make reasonable accommodations for complainants, respondents, or anyone else.

4.5.2. Sufficient Evidence. If the decision maker or committee decides there was misconduct, they can decide on outcomes. When choosing outcomes, they will think about:

- 4.5.2.1. The safety of the College community.
- 4.5.2.2. If the complainants or respondents need any support.
- 4.5.2.3. Restorative justice principles.
- 4.5.2.4. Interim measures that happened during the investigation.
- 4.5.2.5. How severe the misconduct was.
- 4.5.2.6. The circumstances.
- 4.5.2.7. How the respondent has responded to the misconduct.

The decision maker or committee can decide on outcomes. They can include one or more of the following:

- 4.5.2.8. An informal response.
- 4.5.2.9. A warning.
- 4.5.2.10. A sanction, not including a ban.
- 4.5.2.11. A recommendation to the responsible officer to ban the respondent from any or

all College campuses. If the responsible officer does not agree, the case will be given back to the committee to make another sanction.

4.5.2.12. Alternative measures under 4.5.3.

4.5.2.13. Any two or more of the above.

4.5.3. Warnings or Sanctions

4.5.3.1. **Warnings:** This is a written warning. It includes a description of the misconduct. It warns that if the respondent behaves in the same way again, there may be a more severe sanction.

4.5.3.2. **Sanctions:** Sanctions may include one or more of the following:

4.5.3.2.1. *Suspension:* Suspension for a period of time from a course or courses, a program, a School, or the College. This means you cannot attend.

4.5.3.2.2. *Expulsion:* Permanent expulsion from a program, a School, or the College with no right to apply again. This means you cannot attend ever again.

4.5.3.2.3. *Service refusal:* A restriction from services including food services, registration, Learner Success Services, library services, parking services, and bookstore services.

4.5.3.2.4. *Payment of fine/restitution:* This is a fine or when the learner has to pay back the cost for loss, damage, or destruction. If the fine is not paid on time, the learner may be suspended or have no access to a service until the fine is paid.

4.5.3.2.5. *Application refusal:* If the respondent is an applicant, their application may be closed. They may not be allowed to apply again, either for a period of time or permanently.

4.5.3.2.6. *Campus restriction/ban:* When a respondent has done something that risks the safety of others, the respondent may be banned from any or all College campuses. This means they cannot come on campus. This can only be done by the responsible officer or higher.

4.5.3.3. **Alternative Measures**

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- 4.5.3.3.1. The decision maker or the committee can choose an alternative measure if the respondent and any person directly affected by the misconduct agrees.
 - 4.5.3.3.2. Any of these people can change their mind about alternative measures at anytime.
 - 4.5.3.3.3. Alternative measures can include restorative justice, including a written or spoken apology, community service, an educational assignment, or participation in a College program. Alternative measures may also include Indigenous cultural elements including Elders, knowledge keepers, ceremony, or a healing circle.
 - 4.5.3.3.4. The decision maker, committee, or respondent may suggest alternative measures.
 - 4.5.3.3.5. Alternative measures are complete if the decision maker or committee decide the process was successful and everyone else involved agrees the process was successful.
 - 4.5.3.3.6. If anyone changes their mind about alternative measures, the case is referred back to the decision maker or committee to choose a sanction.

4.6. **Communication**

4.6.1. The decision maker or committee will tell the respondent in writing of the decision. This will include the decision if there was misconduct and if there is an informal response, warning, or sanction. The College will also tell the respondent that they can appeal the decision and will include a copy of the Learner Appeal Policy.

4.6.2. The decision maker or committee may tell other people the information that they need to help with the sanctions. These people will only be given information that is about the sanctions. They may tell this information to:

4.6.2.1. The relevant Academic Dean/Associate Dean.

4.6.2.2. The Director of Enrolment Services and Registrar, if there is a withdrawal, suspension of registration, or if anything needs to be added to the learner's permanent record.

A sanction is punishment or penalties that may happen when a learner breaks the Learner Code of Conduct or the Sexual Violence Policy

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- 4.6.2.3. College security, if there is a restriction or ban, or if this is needed for a withdrawal or suspension.
- 4.6.2.4. The Students' Association of Bow Valley College, if there is a suspension, withdrawal, or restriction that directly impacts the operations of the Students Association.
- 4.6.3. The decision maker or committee will give the complainant information about the investigation process. This will include the name of the investigator, a summary of the allegations, the process taken by the investigator, and the dates of the investigation.
- 4.6.4. If the complaint was made under the Sexual Violence Policy or the Learner Code of Conduct Policy and the complainant was directly affected by the misconduct, the College will also tell the complainant:
- 4.6.4.1. What the investigator decided about the claim.
- 4.6.4.2. A description of any restriction, ban, "no contact" order, or other measure that affects the complainant.
- 4.6.5. The responsible officer will look at all formal communication about the decision to make sure it is clear, consistent, and follows this policy and procedure.
- 4.7. Documentation**
- 4.7.1. The College will keep all formal reports, supporting documents, and written communications in a secure learner conduct record. This is kept separate from the permanent academic record.
- 4.7.2. The College will write on the learner's permanent record that there is a learner conduct record.
- 4.7.3. The College will write on the learner's academic transcript or other academic records if they have been suspended, withdrawn, banned, or been refused registration. In these cases, the College will add the learner conduct record to the permanent academic record.
- 4.7.4. Reports and documents will be confidential.

5. Appeals

5.1. Learners may appeal decisions related to this policy through the Learner Appeal Policy.

Definitions

Balance of Probabilities: When the evidence shows that the allegation is likely to be true or not.

Board of Governors: People who are on the Board of Governors make big decisions about the College. They are chosen by the Government of Alberta.

Complainant: A person who makes a complaint about a learner under the Learner Code of Conduct policy.

College Community: Everyone at the College when they are participating in College activities. It includes all the learners, employees, elders, independent contractors, suppliers, volunteers, visitors, and members of the Board of Governors. It includes these people when they are at the College, using College property, or participating in College programs, activities, or business.

Fit to Learn/Participate: When you are able to safely and appropriately participate in College activities.

Formal Report: A written or spoken report about misconduct under the Learner Code of Conduct or the Sexual Violence Policy.

Interim Measures: Any restrictions the College makes immediately, while an investigation happens, when a learner has alleged misconduct.

Learner: Someone who is registered at the College. A learner may be registered for credit or non-credit courses.

Learner Conduct Record: All the reports and other documents including emails that talk about a violation of the Code of Conduct. These are held by Learner Success Services. They are kept separate from the permanent academic record. They will only be included with the permanent academic record in cases where the learner has been suspended, expelled, or banned from campus.

Permanent Academic Record: The permanent and ongoing record a learner's academic program and grades at the College.

Respondent: The person who has allegedly done something wrong under the Learner Code of Conduct or Sexual Violence Policy. Allegedly means that it has not been proven.

Safety: When people are free from violence and are not likely to be hurt, physically, emotionally, or psychologically.

Sanctions: The punishment or penalties that may happen when a learner breaks the Learner Code of Conduct or the Sexual Violence Policy.

Violence: Any behavior that causes physical, emotional, or psychological injury. The behavior can be actual, attempted, or threatened.

