

LEARNER CODE OF CONDUCT PROCEDURE

Parent Policy

Learner Code of Conduct Policy

Purpose

This document provides the detailed procedure to put into practice the Learner Code of Conduct policy.

Scope

This procedure applies to Bow Valley College learners.

Compliance

Learners are responsible for knowing, understanding, and complying with the Learner Code of Conduct Policy and Procedure that relate to their enrolment at the College. Employees are responsible for knowing, understanding, and using the policy and procedure appropriately.

Procedure

1. The following is the general procedure that applies to any Code of Conduct situation:
 - 1.1. Where there are Learner Code of Conduct contraventions, it is an expectation that employees or learners will take steps to intervene rather than do nothing while, at the same time, ensuring their own safety. At minimum, employees or learners must notify security or nearest supervisor at the earliest possible time.
 - 1.2. It is expected that Learner Code of Conduct interventions will follow the Learner Code of Conduct Policy and Procedure at the level of response required and that appropriate documentation and follow-up will be completed by the specified individual(s).
 - 1.3. Formal response, resulting from the submission of a Learner Code of Conduct Report shall normally commence within five (5) business days of receipt and shall be expeditiously actioned.
 - 1.4. Any learner at Bow Valley College who feels they may have a Learner Code of Conduct concern about another learner may contact their instructor, program coordinator, dean, director, student affairs officer, a counselor, or any other college employee for advice and direction to allow them to decide if the Learner Code of Conduct Policy and Procedure may be used to address the concern.
 - 1.5. Employees may seek advice and direction for Code of Conduct matters involving learners from the Director of Learner Success Services or delegate, or through their direct supervisors.
 - 1.6. Judgment and discretion should be used by employees regarding the need to report an incident using the Learner Code of Conduct Report (Formal Response) versus following the Common First Steps (Informal Response).
 - 1.7. In any instance where an employee is unsure of the steps to take to address a code of conduct concern, at minimum, he or she should report to his or her direct supervisor. Because a number

of minor incidents may occur with the same individual over time, having an informal written record of isolated incidents is recommended.

- 1.8. A learner or applicant who has been named in a conduct complaint who withdraws from studies or cancels his or her application will continue to be subject to the process of investigation and decision, including the determination and communication of sanctions, according to the Learner Code of Conduct Policy and Procedure.
- 1.9. Allegations of inappropriate conduct on the part of a learner that fall within the parameters of other Bow Valley College policies shall also be referred to the Responsible Officers of the College as designated by these policies and may be dealt with in accordance with these policies. If a learner is found to be in violation of other Bow Valley College policies or applicable legislation, the learner may be sanctioned by any or all policies or legislation.
- 1.10. Allegations of misconduct that appear malicious in nature will be reported to the Accountable Officer with recommendations for sanctions in accordance with the Learner Code of Conduct Policy and Procedure as well as other related Bow Valley College Policies.
- 1.11. Allegations of misconduct by a Bow Valley College employee should be submitted to the Director, Human Resources. In the event that a matter involves a learner and an employee, the Director, Human Resources and the Director, Learner Success Services will consult and determine the appropriate jurisdiction and procedure.

2. Response

There are two levels of response for which the procedure is outlined below:

2.1. Informal Response (Common First Steps)

Common first steps should be taken for relatively minor occurrences of misconduct (e.g. student using inappropriate language or gestures, yelling, etc.). This includes initial, standard, informal statements or requests that are commonly used to request that a particular behavior stop or change.

- 2.1.1. Assess personal safety and the personal safety of others.
- 2.1.2. If safe to do so, approach the person who is not following the Learner Code of Conduct Policy and identify yourself. If not safe to do so, or if unsure, report the behavior to security or nearest supervisor immediately.
- 2.1.3. Identify the behavior that is contrary to the Learner Code of Conduct Policy and ask for appropriate behavioural change.
- 2.1.4. Use language and voice tone that is:
 - respectful,
 - describes the current behavior (i.e., does not label the person),
 - asks for behavior change in a reasonable time frame,
 - may outline consequences if appropriate
- 2.1.5. Documentation (i.e., email summary or department spreadsheet) of events and the informal responses that have occurred should be directed to the program coordinator or supervisor.

Documentation should note the date(s) of events and interventions and use language that is behaviourally descriptive. This documentation is managed at the department level.

2.2. Formal Response

Formal Response is used for behaviour that is contrary to the Learner Code of Conduct Policy that has persisted despite requests to stop (e.g. multiple incidents of yelling at instructor after been given verbal warning, etc.) or that is more serious in nature (e.g. threat of violence, physical altercation, unwanted sexual advances, etc.).

2.2.1. In addition to taking initial Common First Steps, a Learner Code of Conduct Report must be completed and forwarded to the Director, Learner Success Services.

2.2.2. All Learner Code of Conduct Reports will be reviewed by the Director, Learner Success Services and will be consistently managed through investigation, response and consequences/sanctions as outlined within this procedure.

2.2.3. The Director, Learner Success Services will direct the basic or complex action follow-up.

3. Actions

There are two levels of action in response to a formal complaint, depending on the complexity and severity of the conduct matter:

3.1. Basic Action

In the event that a Learner Code of Conduct complaint is clear in nature (e.g. multiple consistent reports, security video available, etc.) and regardless of severity, the Director, Learner Success Services will direct the report as follows:

- **For Applicants**, the Learner Code of Conduct Report will be directed to the Director of Enrolment Services and Registrar.
- **For Registered Learners**, the Learner Code of Conduct Report will be directed to the Program Coordinator of the program in which the learner is enrolled.

3.1.1. The Registrar or Coordinator as appropriate will meet with the individual(s) involved and collect necessary information to determine appropriate interventions/sanctions.

3.1.2. The designated personnel should consult with the Director, Learner Success Services regarding the details and recommendations for appropriate interventions/sanctions.

3.1.3. The conduct documentation and decision of the Registrar/Coordinator will be reviewed by the Director, Learner Success Services as well as the Academic Dean where applicable. The Dean, in consultation with the Director, Learner Success Services, may institute additional sanctions or recommend actions under the complex response involving the use of an investigation committee as deemed appropriate.

3.2. Complex Action

In the event that a Learner Code of Conduct complaint is severe or complex in nature (e.g., violations that occur across several departments or areas; conflicting reports; ambiguous details, etc) formal investigation may be deemed necessary by the Director, Learner Success Services or Academic Dean(s) .

- 3.2.1. In this case, a committee will be struck that represents a cross-section of the College community and must include the Director, Learner Success Services as Chair (or alternate as designated by the VP in the event that the report involves the Director), the Occupational Health and Safety Specialist and two other Dean/Director level personnel who are not implicated within the complaint. If the complaint involves an applicant, the Director, Enrolment Services and Registrar will serve as one of the committee members. The VP Learning, VP Enrolment and Learner Services and Director of Human Resources shall serve as ex-officio members.
- 3.2.2. Members must ensure impartiality and capacity to assess the Learner Code of Conduct reports/complaints and other supporting documentation.
- 3.2.3. The Committee will review applicable conduct reports as well as supporting documentation to determine recommendations for interventions/sanctions.
- 3.2.4. Interviews with complainant(s), respondent(s), and witness(es) may be conducted and may not involve all members of the Committee.
- 3.2.5. The Committee will provide a written report back to the Chair with recommendations for interventions/sanctions.

4. Sanctions

Failure for students to comply with the Code of Conduct Policy may result in a range of one or more consequences or sanctions not limited to those listed below:

- *Verbal warning:* May be delivered by any member of the Bow Valley College community including learners, front line employees, supervisors/Program Coordinators, Deans/Directors, etc.
- *Written warning:* May be delivered by supervisor/Program Coordinator or higher.
- *Dismissal from a classroom or facility for a short period of time, for the remainder of a class or for a working day:* May be delivered by instructor, supervisor or higher in an instance where behaviour poses an imminent safety or disruptive concern. Security support may be sought to enforce this sanction.
- *Suspension:* A learner may be suspended for a specified period of time or pending investigation by a Program Coordinator or higher.
- *Withdrawal:* A learner may be withdrawn from studies (from a course or courses or from a program or programs) for specified period of time for violations of the Code of Conduct Policy by a Program Coordinator or higher.
- *Refusal of service:* Access to auxiliary services, apart from classroom/instructional activities, including but not limited to food services, Registrarial services, Learner Success Services, library services, parking services, bookstore services, etc, may be fully or partially restricted or refused, for a designated period of time by supervisor or higher.
- *Payment of fine/restitution:* May be determined by Director, Learner Success Services.
- *Refusal to accept application from an applicant:* May be administered by Dean or Registrar.

- *Restricting/banning access to the College:* This sanction refers to physical restriction that extends beyond the immediate removal from a space or classroom due to imminent safety risk or disruption. When a learner, applicant or prospective learner is demonstrating behaviour that is seen to be a safety risk, in addition to other sanctions, they may be restricted or banned from any or all Bow Valley College campuses or locations during or as a final result of a Learner Code of Conduct investigation. Learners may only be banned or restricted from a campus by a Bow Valley College Vice President.
 - *Involvement of police or courts:* 911 may be called by any member of the Bow Valley College community. Victims of misconduct reserve the right to involve police or court system as appropriate. College employees initiating police or court action must follow college protocols within the scope of their responsibility.
- 4.1.1. Sanctions should match the type of behaviour that is being demonstrated and the severity, safety risk, frequency, and duration of the behaviour.

5. Communication

- 5.1. If intervention involves more than verbal warning the designated personnel must notify the learner of the interventions/sanctions in writing.
- 5.2. Only the information required for the designated personnel to perform appropriate actions will be communicated in compliance with FOIP.
- 5.3. When a learner is suspended or withdrawn from studies for violation of the Code of Conduct Policy, this information, including the specific duration and any conditions for the learner's return, shall be formally communicated in writing to:
 - the learner
 - the Director, Learner Success Services to be kept as part of the Learner Conduct record
 - the relevant Academic Dean
 - the Registrar for relevant annotation on the Permanent Academic Record in accordance with applicable policy
 - College security only if the sanction involves restricting and/or banning from the College campus
 - Other College personnel as required
- 5.4. Formal communications of decisions/sanctions to complainant(s) and respondent(s) will be monitored by the Responsible Officer to review clarity, consistency and adherence to the Learner Code of Conduct Policy and Procedure.
- 5.5. Formal communication to learners that outline a decision/sanction must include a statement indicating that decisions may be appealed through the Learner Appeal Policy and must be accompanied by a printed copy of that policy.

6. Documentation

- 6.1. All Learner Code of Conduct Reports, supporting documentation and written communications will be submitted to the Director of Learner Success Services to be reviewed and maintained in a secure conduct file in Learner Success Services separate from the Permanent Academic Record.
- 6.2. While detailed documentation and/or reports will be maintained separately, the Permanent Academic Record will have a notation that indicates the existence of such a conduct record. While alumni are not subject to the Learner Code of Conduct Policy, where misconduct has occurred and a Permanent Academic Record exists, it will have a notation that indicates the existence of a conduct record.
- 6.3. Learners who have been suspended, withdrawn, or denied admission for disciplinary reasons may have this documented on their academic transcript or other academic records in accordance with College policy.
- 6.4. Reports/documentation will be kept confidential to the degree permitted by law and in accordance with the Bow Valley College policies.
- 6.5. In addition to submission to the Director, Learner Success Services, the Program Coordinator or area supervisor will forward a copy of the Learner Code of Conduct Report and any supporting documentation or communications, as well as any written notice to the learner to the appropriate Dean or Director for review.

7. Appeals

- 7.1. Learners may appeal decisions related to the Learner Code of Conduct Policy through the Learner Appeal Policy.
- 7.2. Where a decision is made by a Vice President to restrict or ban, these decisions are appealable to the Bow Valley College President ONLY if new relevant information becomes available which was not presented during the appeals process or if the appeals policy has allegedly not been followed.

Definitions

Applicants: Persons who have applied to a Bow Valley College program or course but have not yet been registered. Applicants must also comply with the Code of Conduct Policy and face consequences as they would if they were a learner.

Complainant: Any person who has reason to believe that a learner has committed an offence and who initiates a procedure under this policy.

Discrimination: Discrimination is defined as unjust practice or behaviour, whether intentional or not, based on race, religious beliefs, colour, gender, gender identity/expression, physical and/or mental disability, marital status, family status, source and level of income, age, ancestry, place of origin, sexual orientation, and which has negative effects on any individual or group.

Dismissal: A direction by an instructor to leave the classroom for the remainder of the class that day.

Harassment: Harassment occurs when someone is subjected to unwelcome verbal or physical conduct.

Learner: A person who is currently registered as a learner at the College whether or not for credit. For the purposes of this document, “learner” shall be used synonymously for applicants and learners unless specifically noted otherwise.

Learner conduct record: Learner Code of Conduct reports and/or other documentation, emails etc outlining violations of the Code of Conduct Policy that are held securely by the Responsible Officer, separate from the permanent academic record. Only in cases where the sanction involved withdrawal/termination and/or campus banning may the two records be joined. In all other cases, academic and disciplinary records are held separately.

Permanent academic record: The perpetual record of a Learner’s academic program and performance at the College. Such records are the source of transcripts generated at a learner’s request.

Practicum/work placement: Any placement (volunteer or otherwise) which is part of a learner’s academic program and which places or may place the learner in contact with the public. Practica or work placements include hospital rotations or other clinical placements, and placements in work settings selected for career program completion or upgrading work experience courses.

Respondent: The person(s) who replies to an allegation.

Safety: The state of being reasonably certain that one will not be emotionally, physically, or mentally hurt by other persons or situations.

Sanctions: The penalties that act to ensure compliance or conformity with the Code of Conduct Policy.

Suspension: An absence from a class or program for a set period of time that is ordered by a Dean or Director.

Violence: Violence is an attempted, threatened or actual conduct of a person that causes, or is likely to cause, physical or non-physical injury.

Withdrawal: The formal de-registration of a learner from a College course or program.

DATA SHEET

Responsible Officer

Director, Learner Success Services

Relevant Dates

Approved	May 28, 2014
Effective	May 28, 2014
Next Review	May 2019
Modification History	

Related Policy

Learner Code of Conduct Policy #500-1-1

Associated Policy(ies), Procedure(s), and Guideline(s)

Employee Code of Conduct Policy: 200-1-1

Employee Code of Conduct Procedure: 200-1-1

Learner Appeals #500-1-12

Learner Records & Information - Collection, Access & Waivers #500-1-16

Related Legislation

Including but not limited to:

Alberta Human Rights, Citizenship and Multiculturalism Act

Alberta Individuals' Rights Protection Act

Criminal Code of Canada

Occupational Health and Safety Act

Freedom of Information and Privacy Protection Act

Attachments

Forms (Optional)

FAQ (Optional)

Matrix (Optional)