

Policy Procedures

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Student Code of Conduct – Rights and Responsibilities Procedures

A. Principles

Selkirk College recognizes that students require various levels of support and guidance throughout their enrolment. The following complaint resolution process is intended to help students meet course/program requirements and to meet the behavioural expectations as stated in Selkirk College Policy 3400: Student Code of Conduct.

B. Definitions:

Chair of Student Support and Intervention Team (SAITT): The individual, designated by the Vice President – Students & Advancement/Registrar, who will monitor and react to students of concern and connect these students with Selkirk College or external community agencies and resources in relation to the identified behaviours or area of concern. The VP-Students & Advancement/Registrar can appoint a designate in the instance of a conflict of interest.

Student Support and Intervention Team (SAITT): A committee of four or more appointed staff members chaired by the Director of Student Development. The SSAIT has the authority to monitor and react to students of concern and to connect these students with Selkirk College and/or external community agencies and resources in relation to identified behaviours of potential concern. The SSAIT may, with or without the student's consent, make recommendations in accordance with the provisions of related College policies and, where relevant, and the Freedom of Information and Protection of Privacy Act.

Advisor: A person identified by the respondent or complainant to accompany them to a Policy 3400: Student Code of Conduct meeting or to an appeal. The Advisor may include but not be limited to a family member, fellow student, faculty or staff member, professional support person, or legal representation selected by the student.

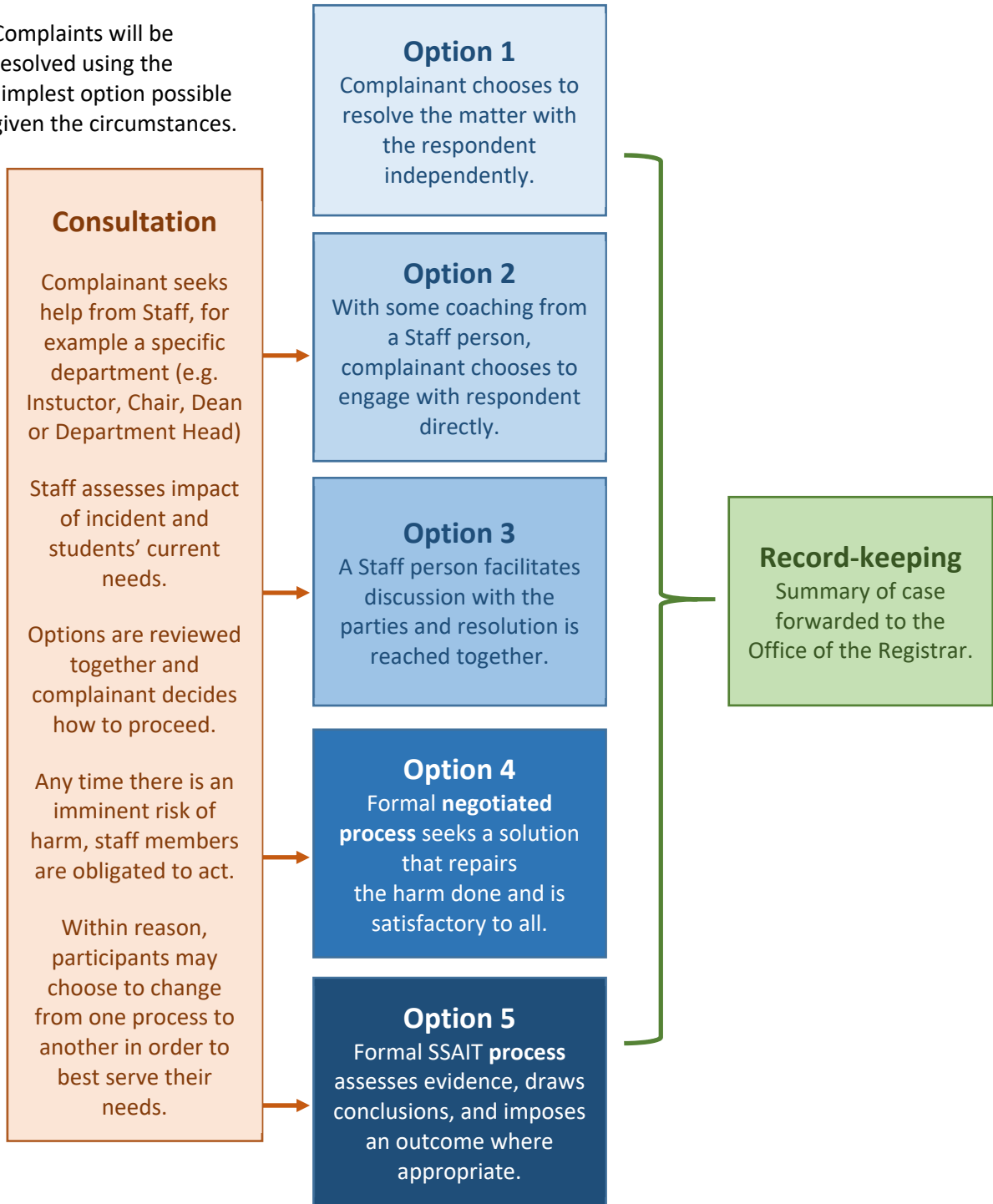
Complainant: The person or persons who file(s) a complaint or report about a student's failure to uphold the fundamental responsibilities or about a student's breaches of another community member's fundamental rights as set out in this policy. The College may act as complainant under specific circumstances.

Respondent: A student who has been accused of misconduct, or in the context of an appeal, the person or party who contends against an appeal.

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C. Complaint resolution processes

Complaints will be resolved using the simplest option possible given the circumstances.



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D. Options 1-3: Consultation and Resolution

1. **Option 1:** Individuals who have concerns about the behaviour of a student are expected to first consider whether they can address the situation on their own.
 - a. Choose a time and place when the conversation can proceed calmly, privately, and without too much delay from the precipitating incident.
 - b. Speak about the impact of the behaviour, focusing on the behaviour and not making a judgment about the person.
 - c. Acknowledge the standpoint of the other person.
 - d. Work together to find agreement on how to resolve the issue through better mutual understanding, and possibly a different pattern of behaviour in the future.
2. **Option 2:** In the event that an individual finds they cannot address the situation on their own, they can consult with a staff person.
 - a. Staff's role is to guide individuals in finding resolution to their concerns.
 - b. The conversation will allow staff to assess the impact of the precipitating incident and current needs of the complainant. Complainants should be prepared to discuss:
 - i. any current safety concerns,
 - ii. impact on their ability to study or engage in academic pursuits,
 - iii. consequences with regards to participating in community life,
 - iv. how they have responded to the situation,
 - v. stresses that may be exacerbating the situation,
 - vi. other relevant context, and
 - vii. any thoughts about what they might need to resolve the situation.
 - c. Together, Staff and complainant will review options for proceeding and decide on a course of action.
 - d. Confidentiality will be reviewed and affirmed, including limitations when the College may be obligated to act in order to protect safety.
 - e. Following the consultation, the complainant may choose to resolve the matter with the respondent on their own. In such cases, the consultation may also include coaching to try out different approaches to discussing the issue.
3. **Option 3:** If the consultation is not sufficient, the complainant may request Staff conduct or support a process of mediation with both parties to try to resolve the issue. This is a non-judicial option.

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- a. There must be clear and simple objectives, with a focus on resolution that will be acceptable to everyone.
 - b. At this point, the discussion will not need a written statement of facts or conclusion, simply of outcomes.
4. If a mediation is not possible or seems unlikely to resolve the matter, the complainant may request a formal negotiated or Student Support and Intervention Team (SSAIT) process (see below).
 5. For options 2 and 3, a brief written record will be provided to the Chair and to all parties who participated in the process. This will include:
 - a. a statement of complaint and description of the incident(s),
 - b. an overview of the timeline from the precipitating incident to the conclusion of the process,
 - c. a description of any outcomes,
 - d. an explanation of how confidentiality applies in this circumstance.

E. Initiating a Formal Negotiated or SSAIT Process

Formal procedures under Policy 3400: Student Code of Conduct must normally be initiated within one month of the incident in question, except in exceptional circumstances where there is a clear reason for delay (e.g. pending criminal proceedings, fear/intimidation, or an absence from campus). Mediation, however, can be initiated at any time provided that all parties are in agreement to proceed. Formal processes are undertaken by the College's designated Student Support and Intervention Team.

1. Any individual may initiate a formal process by providing a written summary of the concerning incident(s) to the Student Support and Intervention Team (SSAIT) (see Appendix D for an example). This summary can also include witness statements. Please visit for contact information. This process can be initiated by any member of the College community.
2. The SSAIT Chair will meet with the complainant to collect information and to determine whether or not to pursue a formal procedure, in consultation with the complainant.
3. The respondent(s) will be notified in writing of the nature of the complaint, the evidence included in the complaint, and information about the proceedings that will follow. For any student who does not respond to email communications, notification will be sent to the last address on record with the College. If the respondent does not engage in the process, it may proceed without them.
4. Unless otherwise specified, each sequential meeting in the process will occur within one week of the preceding step, not including holidays, reading weeks, or closures of the College.
 - a. Meetings may be deferred at the discretion of the SSAIT for up to seven business days.

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- b. The complainant may request a delay in the meeting of up to three business days to consult with an Advisor, or where there is a direct conflict with an academic commitment.
 - c. Under normal circumstances, the entire process is expected to be completed within 60 days of when it began (see below for exceptional circumstances).
5. During any meetings relating to this process, the complainant may be accompanied by an Advisor of their choosing. While an Advisor may speak during the process, the student is still expected to speak on their own behalf. SSAIT must be notified in advance (at least 24 hours) of who would be acting as a student's Advisor and the respondent will be notified. All participants are expected to maintain confidentiality outside the meeting(s) and may be asked to sign confidentiality agreements.
 6. The SSAIT can be notified by either party of any issues of power imbalance and will work to minimize the effects of these.
 7. If the complainant or the respondent need accommodation in order to participate in the formal process, it will be provided.

In the event of an identified conflict of interest with the SSAIT, the Registrar will appoint a designate. The SSAIT should be independent from the individuals and issues involved in the complaint.

F. Option 4: Formal Negotiated Process

The purpose of this approach is to find an outcome that repairs the harm caused by a situation. Typically this happens through negotiated conversations that are intended to generate mutual understanding, behaviour change, and a constructive action plan for the future. This process will be supported by the Chair of the Student Support and Intervention team.

1. First, the complainant(s) will be interviewed, then the respondent(s). Witnesses may also be interviewed.
2. Next, steps will be proposed to the complainants, and may include any of the following options:
 - a. interim measures designed to acknowledge the impact and prevent reoccurrence;
 - b. a proposal from the respondent that includes goals and a timeline for tasks they would like to undertake to prevent reoccurrence, and repair the harm caused by the precipitating incident(s);
 - c. a mediation with everyone present in which an appointed facilitator (usually the Student Support and Intervention Team Chair) encourages an exploration of the behaviour, its root causes, the effect on others, and possible remedies;
 - d. a conciliatory meeting in which the complainant(s)/respondent(s) involved do not meet face-to-face, but information is shared back and forth by the facilitator(s); and
 - e. agreed-upon administrative recommendations designed to remedy the harm that may have been caused.

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3. Each component of the negotiated process must be agreed upon by all parties; this includes:
 - a. developing and agreeing to a set of expectations that ensure everyone has a fair opportunity to participate and is respected in the process;
 - b. working together to define the topics that will be discussed, and possibly some topics that are too sensitive to explore;
 - c. deciding on how the process will unfold, including steps, who to involve, when and where it will take place, and appropriate forms of communication; and
 - d. agreeing to outcomes that satisfy those who have been impacted.
4. The process will take the form of one or more discussions with those who are directly involved.
 - a. All participants are expected to approach the process with an open mind, a willingness to listen, and a genuine desire to better understand what has happened.
 - b. The conversations will be constructive in nature. That is, they will seek to bring about new insight into what happened, what it meant to those who were involved, and what should happen next.
 - c. It is understood that this may be emotional for the parties involved. It is expected, therefore, that:
 - i. each participant will engage in a thoughtful and reflective manner,
 - ii. all parties will make an effort to de-escalate tensions,
 - iii. individuals who take emotional risks will be treated with respect,
 - iv. if blame enters into the discussion, it will be focused on the situation and not on perceived individual shortcomings.
5. The respondent may choose to undertake a process that acknowledges how others have been impacted, without admitting culpability. This could include acknowledging the impact of the situation, and proposing strategies to mitigate the impact and avoid further escalation of the situation.
6. The process can be extended beyond 60 days should it be agreeable to all parties.
7. The matter will be deemed to be resolved when the process comes to a natural conclusion, the outcomes have been adequately fulfilled, and all parties agree that it may be put to rest.
8. At any point in this process either the complainant or the respondent may choose to request a formal adjudicated process.
9. A brief written summary will be provided by the SSAIT to all parties who participated in the process and kept as a **record**. This will include:
 - a. an overview of the timeline from the precipitating incident to the conclusion of the process,
 - b. a description of any outcomes, and
 - c. an explanation of how confidentiality applies in this circumstance.

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G. Option 5: Student Support and Intervention team

Severe cases will be referred to SSAIT to initiate a formal process that is intended to determine responsibility for behaviour based on a balance of probabilities, which may result in sanctioning outcomes including suspension.

1. Cases likely to have more severe sanctions such as limiting participation, suspension as an outcome, will be heard by the Student Support and Intervention team.
 - a. The SSAIT will first interview the complainant(s) to clarify any information provided in the written documentation. During this initial meeting, the Student Support and Intervention Team process in Policy 3400: Student Code of Conduct will be reviewed.
 - b. The SSAIT may also interview witnesses provided by either the complainant or the respondent following the meeting with them. As well, if there are additional individuals who have been affected by an incident, they can be given the opportunity to describe how they have been affected. The respondent has the right to address all relevant aspects of witness statements.
 - c. The SSAIT will then have an initial meeting with the respondent(s).
 - i. The respondent will be made aware of the nature of the complaint ahead of time and will have the opportunity to review all written evidence.
 - ii. During this initial meeting, the Student Support and Intervention Team process in Policy 3400: Student Code of Conduct will be reviewed with the respondent.
 - iii. The respondent will have the opportunity to address all relevant aspects of the complaint. This may include clarifying the facts, offering additional evidence, and describing additional contextual factors. The respondent has the right to address these either orally or in writing.
 - iv. An Advisor for the respondent may be present and contribute to the discussion, but it is expected that the complainant will speak on their own behalf.
 - v. Follow-up with the complainant/witnesses will not normally be necessary, except in instances where credibility is an issue or when new facts arise; this will be determined by the Student Support and Intervention Team, who may follow up with any witnesses to clarify their statements.
 - d. If the respondent does not attend the initial meeting, after having been given a reasonable opportunity to do so, the SSAIT may proceed to make decisions on the case in the absence of the student's input.
 - e. Following the investigation, the SSAIT will decide the case. At this stage, based on the balance of probabilities, there are two possible courses of action:
 - i. If the student is found to be not responsible, the case will be closed.
 - ii. If the student is found to be responsible the SSAIT will decide an outcome; see Section J: Outcomes.

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- f. The decision of the SSAIT will be communicated in writing to both the respondent and complainant. This will include:
 - i. a summary of the incident(s) in question and a finding with regards to responsibility,
 - ii. a description of outcomes (if any) that are to be imposed,
 - iii. a time frame and process for any applicable follow-up,
 - iv. an explanation of the appeals process,
 - v. an affirmation of how confidentiality applies to the case.

If a common decision letter would disclose personal information of either party, the SSAIT will send separate, confidential versions of the letter to each party.

The decision will be kept as a record by the Office of the Registrar in accordance with Section L of these procedures.

- g. Either the respondent or the complainant has the right to appeal the decision of the Student Support and Intervention Team; see Section M: Final Appeals.

H. Student Support and Intervention Team

1. The SSAIT includes the following members:
 - a. Director, Student Development (Chair)
 - b. Health and Safety Advisor (Vice Chair)
 - c. Student Access and Support Department Head (Vice Chair)As determined by the team, additional representatives may be as follows:
 - a. designated Dean
 - b. designated faculty member
 - c. designated Student Access and Support personnel
2. Normally, the timeline for the SSAIT process will be as follows:
 - a. The SSAIT has one week to review the complaint and forward it to the respondent.
 - b. The respondent has one week to provide a written response to the SSAIT.
 - c. The SSAIT has one week to forward the response to the complainant.
 - d. The complainant has one week to provide a further response, if desired.
 - e. Normally, the SSAIT will hold an inquiry on the case within one week of the complaint being received. This can be extended under serious extenuating circumstances, or due to circumstances outside the SSAIT's control (e.g. winter break).

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- f. If new evidence is presented at the inquiry, the SSAIT may choose to postpone for further time for all parties to consider it.
3. The respondent and complainant each have the right to have an Advisor with them during the process.
4. The formal inquiry process will be moderated by the Student Support and Intervention Team, who has the right to intervene if the proceedings cease to be respectful and decorous. In addition, either the complainant or the respondent may ask the SSAIT to intervene if they feel unsafe during the proceedings. Similarly, participant behaviour during the inquiry may have an effect on the SSAIT's evaluation of the case.
5. The decision of the SSAIT will be communicated in writing to both the respondent and complainant. This will include:
 - a) a summary of the incident(s) in question and a finding with regards to responsibility,
 - b) a description of outcomes (if any) that are to be imposed, which could be any of the full scope of outcomes described in Section J,
 - c) a time frame and process for any applicable follow-up,
 - d) an explanation of the appeals process,
 - e) an affirmation of how confidentiality applies to the case.

If a common decision letter would disclose personal information of either party, the SSAIT will send separate, confidential versions of the letter to each party.

The decision will be kept as a record by the Office of the Vice President, Students and Advancement/Registrar.

Either the respondent or the complainant has the right to appeal the decision of the SSAIT (see Section M: Final Appeals).

I. Criminal Cases

1. Where there are anticipated or current criminal proceedings, the respondent may choose to agree to temporary measures that address safety concerns and ensure the situation does not escalate. Agreeing to such measures does not constitute an admission or finding of guilt.
2. Failing agreement on temporary measures, the respondent may choose to participate in the SSAIT process.
3. The College reserves the right to withdraw and/or suspend (forbid access to campus) a student who does not undertake one of the above options.

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J. Extreme Circumstances

The College may impose temporary restrictions on a student pending the outcome of any process when doing so helps to ensure the safety of those involved.

The College and student may negotiate a voluntary withdrawal while the situation is being resolved, in order for the student to address safety concerns.

If the reported conduct is of violent acts and/or behaviours that are deemed to be a significant threat to an individual or to the community, an interim suspension may be recommended pending the outcome of the Student Support and Intervention Team process in Policy 3400: Student Code of Conduct, following a Safety Assessment (see section I below) .

Involuntary withdrawal may be imposed when serious safety issues remain following the outcome of the Student Support and Intervention Team process.

1. For interim measures in cases of imminent safety concern, interim suspensions may be imposed as follows:
 - a. Interim suspensions can only be imposed when there is a grave concern for safety.
 - b. When an interim suspension is deemed necessary, police or Campus Security may issue a Trespass to Property Notice to a student for dangerous behaviour at any time for up to three business days, which would restrict the student's access to campus. This may include additional safety measures (see Section I below).
 - c. Extensions of this interim suspension may be made after consultation and agreement between Campus Security and the SSAIT and may last for the duration of the Safety Assessment process (see Section I below). The student shall be notified in writing.
 - d. Other safety measures (e.g. safety plans, no contact order, limits on social media, etc.) may be included during the interim suspension period.
 - e. The College will work with the student to minimize any academic impact from a safety-related interim suspension.
2. Involuntary withdrawal can be imposed for up to 18 months.
 - a. Students may apply for readmission at the end of the withdrawal period, and subsequently every six months if readmission is not granted at the time of application.
 - b. Criteria and procedures for readmission will be established at the time of imposing the withdrawal, e.g. an assessment from a licensed psychotherapist or psychiatrist attesting that the individual is at low or no risk to reoffend.
 - c. A notation will be placed on the student's academic transcript indicating that they were required to withdraw for non-academic reasons. Students may petition at a later date to have it removed.

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K. Safety Assessments

1. If an SSAIT process is also underway, the Safety Assessment process will not review the entire case, only whether there is reasonable grounds for the safety concerns. A Safety Assessment takes priority over the SSAIT process.
2. Through the Safety Assessment process, decisions about suspensions and involuntary withdrawals will be based on evidence that the student's behaviour presents a significant risk of harm to themselves or others, and where there is no confidence in their ability to amend this behaviour. Examples may include, but are not limited to any of the following:
 - a. violence or overt threat of violence;
 - b. emergency medical attention required as a result of the behavior;
 - c. trauma experienced by victims, survivors and/or witnesses;
 - d. evidence of malicious intent;
 - e. major damage to infrastructure;
 - f. escalating pattern of behaviour that is significantly disruptive to normal campus activities;
 - g. the student requires significant levels of support to keep conduct within acceptable standards, and this level of support exceeds what can be provided on campus; and
 - h. an established safety assessment protocol administered by one or more professionals suggests there is a continuing threat at a high or imminent level.
3. The following may help to increase the College's confidence in a student's ability to amend their behaviour:
 - a. The student demonstrates the ability to abide by an agreement about conduct, possibly including but not limited to:
 - i. limiting presence in certain areas,
 - ii. avoiding contact with specific people,
 - iii. restricting substance use, and
 - iv. engagement in an action plan for change.
 - b. The student is making use of professional support services.
 - c. There is evidence that the situation is calm or de-escalating
4. A variety of indicators may suggest that the situation is escalating. Examples include, but are not limited to:
 - a. behavioral incidents are persistent,
 - b. law enforcement needs to be involved,

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- c. significant threat to institutional reputation is present,
 - d. aggressive behavior is displayed or there is an indication that a student is seeking retribution,
 - e. student refusal to cooperate with College personnel who are seeking to address the issues at hand, and
 - f. College community members feel they are at increased risk.
5. Extreme circumstances include a range of situations that may require some variance in decision-making protocols. Safety Assessments will be conducted on the principle of encouraging the safest outcome for the respondent and the community.
 6. The respondent will have the opportunity to meet with the Safety Assessment group, and may bring an Advisor. The respondent may also choose to be represented by an Advisor if the respondent does not attend the meeting.
 7. Decisions of the Safety Assessment group will be communicated to the respondent in writing.
 8. The Safety Assessment will be conducted by the Selkirk College Risk Assessment Team, including the Vice President Students, the Student Support and Intervention Team, the Director of Risk Management, the Department Head of Student Access and Support and an academic Dean, or any of their designates if the individual is not available. The Safety Assessment group may interview professional staff and/or the complainant(s) to provide clarity with respect to the severity of the situation.
 9. The Safety Assessment process will be undertaken as expeditiously as possible, with no more than five business days between the report of the situation and notification of the Safety Assessment to the student. Safety Assessments may be repeated in cases of escalation or violation of conditions. Interim suspensions from campus and other safety measures may be imposed while the Safety Assessment is being conducted.
 10. The Risk Assessment Team may determine there is no grounds for concern, may refer the case to other Policy 3400: Student Code of Conduct processes if it is determined there is not a grave safety concern but that there may be behavioral issues, or impose an involuntary withdrawal which may also include other safety measures.

L. Outcomes

1. Outcomes may be determined in a variety of ways:
 - a. Either a respondent or complainant may choose to undertake outcomes that apply to their own conduct as a gesture of goodwill and to help de-escalate a situation.
 - b. A staff person may negotiate outcomes that are agreeable to all parties.
 - c. The SSAIT or an Adjudication Panel may impose outcomes based on a finding that a student is responsible for misconduct.
 - d. The Registrar or designate may impose outcomes at the conclusion of an appeal.

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2. Outcomes may vary from one situation to the next, depending on a variety of factors. The following will be taken into account:
 - a. ensuring the safety of all parties,
 - b. allowing students the opportunity to learn from their mistakes,
 - c. promoting a stronger community where there is a reduced chance of similar incidents,
 - d. the severity of the incident or level of impact on others, including the needs of those who have been impacted,
 - e. any record of prior misconduct,
 - f. whether or not the student accepts responsibility for the incident, and
 - g. the student's willingness and ability to modify their behavior.
3. More than one outcome may be applied as a result of a single incident.
4. Examples of outcomes include, but are not limited to, the following:
 - a. Educational Initiatives: Activities that help the respondent to demonstrate they have achieved meaningful learning on issues related to the precipitating incident. Acceptable initiatives require active participation by the learner and include a way of verifying what has been learned.

Examples of formats for educational initiatives include:

- i. participating in a training workshop or community event,
- ii. researching authoritative information and writing up the findings,
- iii. making use of a workbook¹,
- iv. enrolling in a relevant course,
- v. interviewing an expert,
- vi. participating in a counselling, therapy or peer support group,
- vii. shadowing an expert to learn more about their lived experience,
- viii. creating an educational initiative for the community, e.g. a well-researched bulletin board, and
- ix. writing a reflective piece that explores the causes and impact of the behaviour and ensuring it does not reoccur.

Examples of topics for an educational initiative include but are not limited to:

- i. how alcohol/drug-related situations can escalate unexpectedly and what can be done to mitigate the risk;

¹ For example, many mental health workbooks are available in libraries and bookstores that draw on Cognitive Behavioural Therapy or related approaches; see Counselling for more details.

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- ii. dynamics surrounding diversity, inclusiveness and oppression;
 - iii. anger management and/or emotional regulation;
 - iv. feminism and gender diversity;
 - v. how financial disadvantages affect students;
 - vi. mental health;
 - vii. myths and realities of bullying, coercion and intimidation;
 - viii. the impact of sexual violence, harassment and/or sexual objectification;
 - ix. fire safety and emergency response procedures; and
 - x. bystander interventions.
- b. Formal Apology: A written letter of apology, or an oral apology where the respondent and the complainant agree to meet. Effective apologies include the following features:
- i. accepting responsibility for one's own conduct,
 - ii. an explanation of the context that does not minimize the respondent's responsibility,
 - iii. a genuine acknowledgement of the complainant's perspective and any harm that may have been caused,
 - iv. avoiding accusations or blame directed towards others,
 - v. honesty about the facts and emotional significance of what has transpired, and
 - vi. what steps will be taken to ensure the same situation does not repeat itself.
- c. Conduct Contract (formerly behavioural probation): Where the respondent agrees in writing to any of the following:
- i. steps to ensure the safety of self and others,
 - ii. limiting contact with the complainant(s),
 - iii. staying away from specific areas of campus where further disruption could be likely,
 - iv. avoiding the use of alcohol or illegal drugs,
 - v. undertaking educational initiatives related to the precipitating incident,
 - vi. voluntarily withdrawing from activities that may have precipitated the behaviour (e.g. social media),
 - vii. making use of professional support services such as counselling to gain better insight into and control over their behavior,
 - viii. avoiding any additional acts of misconduct,
 - ix. a specific time-frame for undertaking the tasks outlined in the contract and for when/how the contract will come to a conclusion, and
 - x. consequences for non-compliance.

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- d. Warning: A notice in writing to the respondent that the behaviour in question violates institutional regulations and must cease.
 - e. Loss of privileges: Denial of specific privileges for a designated period of time. For example, restrictions from accessing recreational facilities, participating in certain events, or making use of particular online resources.
 - f. Restitution: Compensation for loss, damage or injury. This may take the form of appropriate service or monetary/material replacement. In some circumstances this work must be undertaken by a qualified professional.
 - g. Conduct Contract (Probation): A written reprimand for misconduct. Probation is for a designated period of time and may be applied in conjunction with additional outcomes. If the respondent is found to have engaged in further act(s) of misconduct during the probationary period, additional outcomes (typically more severe) may be applied.
 - h. Suspension: Separation of the student from the campus for a specific period of time after which the respondent may be eligible to return. Conditions for readmission will be specified. The term of the suspension will be dependent on the severity of the misconduct.
 - i. Expulsion: Permanent removal of the student from the College.
 - j. Note that outcomes h and i can only be imposed by the President on the recommendation of the Adjudication Panel and Registrar.
 - k. Transcript Notation: Normally, when a student is suspended, expelled or required to withdraw involuntarily, a notation will be added to their transcript indicating this outcome and that it is for non-academic reasons. The student may petition to have this removed once they are readmitted, or five years after the notation is placed.
5. The respondent is responsible for ensuring outcomes are completed by a set time. When a respondent does not abide by the outcomes imposed, including violating a behaviour contract, it is within the power and discretion of the SSAIT to reconsider outcomes, impose new or additional outcomes, or refer the matter to the Registrar.

M. End of Process

At the conclusion of a formal negotiated or a formal SSAIT process, or in the event of a decision with respect to criminal cases or extreme circumstances, a written summary of the outcome(s) will be communicated to the parties concerned. This will include the basis of the ruling, and a summary of the information relied on to make the decision.

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N. Records

A respondent or complainant may request copies of all relevant reports or complaints. The request must be made in writing as per the “Request for Documentation Form” found on the College’s website. Documentation will be provided in accordance with College policy and existing legislation on privacy.

1. A register of all decisions will be maintained using the following time periods:
 - a. When a respondent is found to not be responsible, they may request that supporting documentation be kept on file for only one year after a decision is rendered.
 - b. Otherwise, documentation will be kept on file for seven years after a decision is rendered or three years after a student is no longer enrolled, whichever is later.
 - c. After the retention period, the file will be destroyed with the exception of the decision letter and/or case record, which will be kept indefinitely.
 - d. Documentation will be kept in a secured file or encrypted format by the Registrar .
 - e. All documents pertaining to an appeal will be kept confidential except to the extent required by these procedures or otherwise required by law.
2. Anyone named in documentation has the right to request copies of all documentation within the parameters of The Freedom of Information and Protection of Privacy Act and the College Privacy Policy.
3. Copies of all documentation will be readily accessible to any decision-makers involved with the adjudicated process (including procedures for extreme circumstances) or the appeals process.
4. An anonymized summary of offences and outcomes will be posted online each term to assist the community in understanding how the Policy 3400: Student Code of Conduct (Policy 3400) is interpreted and applied. This summary will not include any identifying details related to individuals or the case.
5. Appeals and records are considered to be confidential, subject to applicable law.

O. Final Appeals

1. Appeals can be filed by either the respondent or the complainant. A written summary of the appeal, including the stated grounds, can be filed with the Registrar.
2. Legitimate grounds for appeals include the following:
 - a. a significant error where the procedures outlined in Policy 3400: Student Code of Conduct were not followed correctly,
 - b. clear evidence of a significant **conflict of interest** on the part of a decision-maker,

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- c. an outcome that is disproportionate with the precipitating incident(s), and
 - d. significant new evidence that was not available at the time of the decision, which has the potential to change the outcome of the case.
3. Whether the grounds for an appeal exist will be determined by the Registrar or designate. Any designate must not have been involved in the case to this point.
4. If there are grounds for an appeal, the case will be reviewed by the Registrar or designate, who will meet as necessary with the Student Support and Intervention Chair, respondent, complainant and others as as necessary to determine the validity of the appeal.
 - a. If the appeal is on the basis of a significant error, new information or conflict of interest, then the entire case will be considered again by a new Adjudication Panel constituted for the purposes of the appeal, and made up of a senior administrator, student leader and faculty member as designated by the Registrar.
 - b. If the appeal is on the basis of a disproportionate outcome, then only the impact of the incident, and mitigating or exacerbating factors need be considered. This will be considered by the Registrar or their designate, and potentially in consultation with legal counsel.
 - c. In the case of an appeal of an involuntary withdrawal, a new Adjudication Panel will interview the members of the Safety Assessment Team as well as the respondent, who can have an Advisor present, or their Advisor acting on their behalf (requires authorization from the respondent).
5. Results of an appeal may be:
 - a. upholding the original decision,
 - b. modifying the original decision by either increasing or decreasing the outcomes, or
 - c. overturning the original decision with no further consequences.
6. All decisions of the appeals process are considered final.

P. Ombudsperson

In the event that the complainant or respondent is still unsatisfied after having exhausted the procedures in the Charter, they have the option of filing a complaint with the B.C. Ombudsperson. The Ombudsperson is an independent officer of the B.C. Legislature who investigates complaints from the public about B.C. government services (including colleges), recommending improvements for governance, and resolving individual issues.

Information about the Ombudsman and the complaint procedures is here: bcombudsperson.ca

Policy Procedures

Q. Procedural terms

Appeal: Subsequent to an adjudicated process, grounds for an appeal would be a major procedural error, conflict of interest, disproportionate outcome, or new evidence. The decision to allow an appeal is made by the VP-Students and Advancement/Registrar or designate.

Conflict of interest: This occurs when the Chair of SSAIT, or a member of SAITT, has a personal relationship with either the complainant/respondent (outside normal work or academic interactions), has financial, academic or social interests related to the case, or has personal experiences that affect their ability to be impartial.

Extreme circumstances: When a student's behaviour presents a significant risk of harm to themselves or others, and where there is no confidence in their ability to amend this behaviour.

Adjudication Panel

Adjudicated process: A process by which determination of responsibility for behaviour is based on a balance of probabilities, which may result in imposed outcomes. Less severe cases are determined by the Adjudicator, and more severe cases by an Adjudication Panel.

Formal negotiated process: A process by which an outcome that repairs the harm caused by a situation is determined. Typically this happens through negotiated conversations that are intended to generate mutual understanding, behaviour change, and a constructive action plan for the future.

Interim measures: Shorter-term outcomes that are agreed on, or imposed, pending the outcome of a Safety Assessment process.

Mediation: A facilitated discussion with the complainant(s) and respondent(s) present, in which a trained third party encourages an exploration of the behaviour, its root causes, the effect on others, and possible remedies.

Misconduct: Behaviour or actions by students that violate the fundamental responsibilities or breach others' fundamental rights, as defined in this Policy.

Outcomes: The results of a Policy 3400: Student Code of Conduct process that are initiated by the respondent, agreed on by the complainant and respondent, or imposed on the respondent, depending on the process used.

Precipitating incident: Conduct that initiates proceedings under the Policy, which is in violation of rights or responsibilities.

Safety Assessment process: An assessment to determine if a student's behaviour presents a significant risk of harm to themselves or others, and the level of confidence in their ability to amend this behaviour, and which may result in an suspension or expulsion.

Policy Procedures

Student Code of Conduct Incident form

If it has been found that the Student Code of Conduct has been violated at option 3 or 4, as per the complaint resolution process found in Part C, the allegation must be documented in writing. Please use this form to report out and possibly initiate an investigation.

Name of Student and student number: _____ # _____

Date and time of the incident: _____

Nature of the behavior:

Sanction taken to correct the behavior, if any;

Any other relevant information:

Policy Procedures

Student Conduct Contract letter

Student Name: _____ Date: _____

Dear _____,

After consultation within our team we have agreed that you have breached the following responsibilities in Selkirk College's Student Code of Conduct. As such, you will be placed on one to three of the following learning plans: academic, wellness and/or student conduct.

Code of conduct student breached: _____

Chair Signature

Date

Dean Signature

Date

If more severe the Chair, Dean and SSAIT and/or Risk Assessment team signatures will be needed.

I, _____ agree to engage in the following plan to ensure my engagement with others is meaningful and within the responsibilities outlined. This is to ensure I am interacting in a positive manner with others, and when needed taking care of my health and wellness and academic needs.

Name of Selkirk College representatives: (those who will be monitoring the student)