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PROCESS AND PROCEDURES FOR STUDENT NON-ACADEMIC CONDUCT

Responsible Department	VP Students
Responsible Executive	Executive Director, Student Affairs
Related policy	Safe Student Learning Community (204) Prevention, Education, and Response to Sexualized Violence (236) Discrimination, Bullying, and Harassment Prevention (18)

Where discrepancy between these procedures and the [Safe Student Learning Community Policy \(204\)](#) exist, the Policy will be deemed correct.

Overview

The Vice-President, Students has designated authority of the Student Conduct Process (SCP) to the [Student Rights & Responsibilities Office \(SRRO\)](#), under the direction of the Executive Director, Student Affairs (EDSA). Emphasizing student accountability and learning, the SRRO will engage with allegations through the lens of education and development informed by student development theory. This office engages in collaborative approaches to conflict resolution, assisting students in developing their conflict capacity, and facilitates robust alternative options to resolving harm, centering student agency and harm repair.

The SRRO approaches student conduct concerns with an understanding that systemic biases can cause unequal outcomes for some. The SRRO employees will work as part of an interdisciplinary team, with strong awareness of and relationships with departments and services available to students to ensure the process centers accessibility and student wellness.

Scope

These procedures are in effect when allegations of student conduct represent potential violations of the following UFV policies:

- Safe Student Learning Community (Policy 204)
- Prevention, Education, and Response to Sexualized Violence (Policy 236)
- Discrimination, Bullying, and Harassment Prevention (Policy 18)

Definitions

Some of these definitions have been adapted from Policy 204 to make them more accessible and user-friendly.

Allegation:

The claim that someone has broken a rule in a UFV policy

Respondent:

The person who the complainant/report is about

Complainant:

The person who has been impacted by disruptive behaviours and is seeking resolution through a SCP. In a situation where UFV has evidence of disruptive behaviours covered under UFV policy and no complaint is received by a complainant, UFV may act as the Complainant to initiate a SCP.

Witness:

A person who can share their knowledge or experience of the content of a complaint/report

SRRO Specialist:

A person who will have a conversation with all Respondents, Complainants, and witnesses to address student conduct concerns. Will act as an investigator in formal conduct process.

Decision Maker:

A person who has the authority to make decisions about responsibility and sanctions in an incident.

Support Person:

A friend or family member who can sit in on meetings during the SCP and provide personal support, but are not able to respond on behalf of the student. The support person may assist the student in asking the right questions, and may ask staff questions about the student conduct process.

Student Support Navigator:

All students going through a SCP are assigned a Student Support Navigator to assist and answer questions through the entire process.

Administrative Fairness

All SCPs will follow principles of administrative/procedural fairness. These include:

- Right to know
 - Students should be given details of the alleged conduct and evidence against them so they can respond
- Right to respond
 - Students should have the opportunity to respond and share their information prior to a decision being made
- Right to information about process
 - Students should be informed about the process and their ability to access support
- Right to know the decision and rationale
 - The decision must be made based on the relevant evidence
 - The decision should be based on contextual factors and with an understanding of the impact of the decision
 - Reasons for the decision must be provided to the student
 - The decision-maker must be unbiased
 - The decision should not be overly punitive or cause disproportionate impact
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1. Reported Incidents

- a) Complaints of student conduct concerns are received in one of three ways:
 - I. The [Safe Student Learning Community Complaint Form](#).
 - II. Safety and Security shares reports with the SRRO when they involve students.
 - III. A complaint of sexualized violence is made through the University's [Sexualized Violence Complaint Form](#). This form is received and reviewed by Safety and Security and then forwarded to the SRRO when the respondent is a student.

Anonymous or third-party reports

- b) If anonymous or third-party complaints are submitted, it might not be possible to investigate due to principles of procedural fairness. The SRRO will review the information and take all required steps to ensure safety and fairness.

2. Consultation

- a) Students can disclose an experience, seek support about an incident, and receive information about the SCP from the Student Support Centre (SSC) without making a complaint. In instances where a student identifies a UFV faculty or staff member engaging in harmful behaviour or actions identified by Policy 236 or Policy 18, the UFV

faculty or staff member who hears this information may be required to disclose it to Human Resources. The student impacted will be informed and consulted if this is required.

- b) Staff and faculty can contact the SRRO for consultation about student conduct.

3. SRRO Reviews Report

- a) The SRRO is responsible for reviewing the information and considering the information presented. We seek to answer the “threshold question” – if the information in the report is true, is the conduct against UFV policy?
- b) If the conduct is determined to be against UFV policy, the SRRO via the Associate Director, Student Affairs, initiates a SCP. In this case, the Respondent is informed of the allegations against them.
- c) If the conduct is not against UFV policy, one of two things could occur:
- I. The file is closed, and the Respondent is not informed there were allegations against them.
 - II. The SRRO may take alternative resolution options that do not initiate an investigation process but are intended for Respondent learning. This occurs when the behaviour has potential for harm, but the conduct isn’t yet against UFV policy.
- d) The SRRO may reach out to the Complainant to gather additional information before a decision can be made.
- e) If the SRRO decides that it will not start a SCP, this decision cannot be appealed.

4. Interim Measures

- a) An interim measure is a temporary campus restriction that can be applied to any student when:
- There is reasonable concern that the safety of the university community is endangered or threatened,
 - Damage to university property is likely to occur, or
 - Continued presence of the Respondent would be disruptive to the learning community.

These temporary measures are non-punitive, and every effort is made to allow the Respondent to continue their academics. The placement of interim measures does not increase the likelihood that they will be found responsible for violating policy during the conduct process.

5. Student Conduct Process Options

- a) The nature of the allegations, potential for harm to the UFV community, input from the Complainant(s) and Respondent are considered when determining which process will be used. Where possible, the process should be flexible enough to meet the needs of the situation at hand.

Alternative Resolution Process

- b) The goal of an Alternative Resolution (AR) process is to encourage learning and development, providing the Respondent with the opportunity to reflect on the impact they had on others. This may involve reflective conversations with a Student Rights & Responsibilities Specialist, Restorative Justice, facilitated dialogue, and/or educational activities. Depending on the situation, the Complainant(s) may take part in the resolution process. During an AR process, the SRRO is responsible for contacting all parties and arranging the process. When not involved in the process, the Complainant will only receive updates where appropriate to ensure confidentiality.
- c) In some cases, an AR process may turn into an investigation if satisfactory outcomes

cannot be found between the SRRO, Complainant, and Respondent. Parties involved will be notified in advance if information they share in an AR process can be used if the SCP proceeds with an investigation.

- d) AR process is not less 'serious' than the investigation process. This process strives to create a supportive learning environment that contributes to meaningful reflection and positive future action.
- e) At the completion of an AR process, one of two records will be created
 - I. A "Letter of Expectation" (LOE) is placed on the Student Conduct Record. This process is typically used when a Complainant is not involved in the SCP. The LOE serves as confirmation that community expectations have been shared with the Respondent.
 - II. An Outcome Agreement is created by the SRRO and the involved parties, specifically the Complainant and Respondent.

Investigation Process

- f) When the SRRO decides that the allegation(s) in a complaint represents serious or significant harm to the UFV community, the SRRO will initiate an investigation. The Executive Director, Student Affairs, or designate, decides whether an internal or external investigator will be used and will be the decision-maker in cases of external investigations. This process results in a 'finding of fact' about the allegation(s) and a decision about policy application. The Associate Director, Student Affairs will be the decision-maker in investigations unless otherwise specified. The Associate Director, Student Affairs will be the decision-maker in investigations unless otherwise specified. The Respondent will be presented with the allegations and will choose from two options:
 - Accept responsibility for the conduct and impact and be found responsible for violating UFV policy, or
 - Refute the allegations and participate in an investigation.
- g) In some cases, if a Respondent accepts responsibility, they may also be admitting to a crime. While student conduct records are kept confidential, they can be subpoenaed by a court, requested through a police production order, or subject to a FIOPPA request.
- h) An investigation involves collecting evidence through interviews, videos, screenshots, chat histories, emails, or other relevant forms. Complainant, Respondent, and witnesses determined by the SRRO will be asked to participate in an interview. When conflicting information is provided, follow-up interviews may be required.
- i) The Investigator then reviews all evidence and writes a report that includes the evidence, the findings, the decision about policy application, and the rationale for their findings. This report will be given to the Associate Director, Student affairs or appropriate decision-maker.

Administrative decision in an investigation process

- j) Findings of fact are made based on a balance of probabilities, or "more likely than not to be true".
- k) The Respondent and Complainant will receive a letter detailing the decision, rationale used, support information, and options for appeal. Witnesses will be notified that the process has concluded.

Conflict of interest

- l) Where a conflict of interest occurs, the decision-maker is required to disclose this per UFV's [Conflict of Interest Policy \(142\)](#). If a conflict of interest is found, the decision-maker will be recused from the process and the next-level manager will replace them.

Sanctions in an investigative process

- m) When a decision is made, the Respondent will be invited to participate in an Outcomes Meeting to contribute their input before sanctions are finalized. Outcomes Meetings will occur between the student (Respondent) involved and the Associate Director, Student Affairs, or designate.
- n) Prior to a decision being made, the Complainant may also be invited to participate in an Outcomes Meeting with the Associate Director, or Designate, to hear about their hopes for the outcome of the process.
- o) While input will be considered from the Complainant and Respondent, the Associate Director, Student Affairs has decision-making authority when assigning sanctions, in adherence to Policy 204.
Complainants will be informed of any sanctions that relate to them. Complainants will not be informed of assigned sanctions that do not relate to them.
The outcomes for non-academic misconduct differ on a case-by-case basis. Section 8 of UFV's [Safe Student Learning Community Policy \(204\)](#) lays out possible sanctions when a policy violation is found. Whenever possible, the SRRO will pursue outcomes from a restorative and educational lens.

6. Support

- a) Complainants and Respondents are assigned a Student Support Navigator (SSN) who will provide support throughout the process by connecting parties with supportive services, explaining the conduct process, and answering questions. Information shared with the SSN will not be shared with the SRRO, unless there is explicit consent from the student. The SSN will share information with the SRRO when it is required to support the process and the student.
Participants in a SCP are welcome to bring their own support person, if that person is not involved in the incident and is not a witness or Complainant. This person is not allowed to speak on behalf of the participant during the SCP. Support people external to UFV will be asked to sign a confidentiality agreement.

Accommodations

- b) Our process will be mindful of the varied cultural, psychological, and accessibility needs of the participants to ensure everyone can participate as fully as possible. If you have specific needs while participating, please inform your Student Support Navigator or Student Rights & Responsibilities Specialist.

7. Confidentiality

- a) Participants are expected to maintain confidentiality and will be asked to sign a confidentiality agreement as part of their involvement with the process. A breach of confidentiality can lead to sanctions under Policy 204 or legal action by UFV.
- b) Students involved have the right to confidentiality within the process, which means only the people that must know the details of an incident will be informed. Where possible, identities of those involved will be protected.
- c) Confidentiality is an important aspect of maintaining the integrity of evidence in an investigation.

8. Student Records

- a) Records of all ongoing files will be stored in a secure case management database with restricted access.
- b) Sanctions under Policy 204 will not be recorded on a student's transcript, except in the case of suspension, where a notation will be made. The reason for the sanction

will not be on the transcript.

- c) Students that proceed through the investigative conduct process and are found in violation of UFV policy will be added to the Student Conduct Registry, held with the Vice-President, Students Division. This remains on file for seven (7) years following students' enrolment at UFV. In some cases, where sanctions have academic impacts such as de-registration or suspension, records will be stored with the Office of the Registrar per their retention schedule.
- d) Other UFV departments may also hold records related to a SCP when it impacts the department or they have a role in enforcement. Examples include Safety and Security, Housing Operations, and any other UFV department directly affected.
- e) When students engage with an AR process, have no additional incidents, and complete any agreed upon outcomes, a Letter of Expectations will remain on their conduct record for three (3) years. Letters of Expectations will provide general information regarding student conduct and policy.

Appeals

- a) Respondents and Complainants involved in an Policy 204 investigation process can appeal if they can demonstrate one (or more) of the following grounds:
 - The investigation was biased or procedurally unfair
 - New information has become available that was not available during the investigation and could reasonably result in a different decision
- b) A Respondent can appeal the sanction(s) if they can demonstrate it is excessive, unfair, or causes disproportionate impacts.
- c) Appeals must be submitted in writing to the SRRO by email at srro@ufv.ca within fourteen (14) days of receiving the decision letter.
 - a. Appeals must include evidence related to the ground(s) for appeal
 - b. The appeal will be reviewed by the Executive Director, Student Affairs for review and decision.
- d) Students who receive a suspension as an assigned sanction have the right to appeal the decision under the Universities Act, section 61 (3).
 - a. Appeals must be submitted in writing via the [Request for Appeal](#) form. They should be sent to srro@ufv.ca and be addressed to the [Senate Governance Committee](#).

Parallel Process

- a) A conduct investigation may happen at the same time as a police/legal or other investigation but is a separate process. A student may receive university sanctions independent of the results of a criminal or civil investigation and vice versa. Moreover, students may be held accountable by more than one process or found responsible in one process but not another. The University will proceed with its investigation in accordance with its policies and procedures, independent (but in cooperation) with any police investigation(s).