

Langara Student- Related Policies

AND HOW TO APPLY THEM

MAGGIE ROSS, DIRECTOR, STUDENT CONDUCT AND JUDICIAL AFFAIRS

TEL: 604.323.5151

OFFICE: T206B

EMAIL: MAGGIEROSS@LANGARA.CA

LANGARA STUDENT CONDUCT & JUDICIAL AFFAIRS WEBSITE

WWW.LANGARA.CA/SCJA

SUPPORTING FACULTY SUPPORTING STUDENTS INTRANET SITE

[HTTPS://IWEB.LANGARA.BC.CA/SCJA/](https://IWEB.LANGARA.BC.CA/SCJA/)

Context

Enabling Legislation

As a publicly funded post-secondary institution, Langara is governed by the *College and Institute Act*.

The Act defines the College's purpose, governance structure, administration and other functions. The Act also outlines who has authority to impose discipline on students.

Some other important legislation that effect what we do:

- Human Rights Code
- Sexual Violence and Misconduct Policy Act
- Freedom of Information and Protection of Protection Act
- Workers Compensation Act and Occupational Health & Safety Regulations (students in co-op and practica)

Importance of Policy

Policies often “operationalize” legislation within an organization.

Langara policies are the “rules” that govern us and students within the institution.

Adherence to policy ensures fairness, transparency and accountability.

Policies, when followed, act as protections against allegations of unfair, arbitrary or corrupt practices.

Policy as “Contract”

An enrolled student is in a contractual relationship with the institution.

The contract between an institution and a student is comprised of written guidelines, policies, and procedures as contained in the written materials made available to the student.

A student can bring a cause of action against the institution for breach of contract where the institution ignores or violates portions of the written contract.

Important Langara Policies

To ensure the College meets its legislated mandate, it develops policies. Some student-related policies you should know are:

Academic Conduct – F1004 ←
Student Code of Conduct – E1003 ←
Sexual Violence and Misconduct Policy – B3009 ←
Human Rights – B3008 ←
Electronic Communication – B4002
Involuntary Leave of Absence Policy – E1006
Concerns about Instruction – F1002 ←

Academic Standing (Probation and Suspension) – E2008
Appeal of Final Grade – E2006
Computer and Computing System Use – B5002
Course Outlines – F1003
Services for Students with Disabilities – E1005
Withdrawal from Courses and Deferred Standing - E2011

For the complete policies, see <http://langara.ca/about-langara/policies/index.html>

Academic Conduct Policy

CBC Special Report – Campus Cheaters

Cheating Facts

According to a survey of Canadian university & college students:

Cheated on written work in high school

73%

Cheated on tests in high school

58%

Cheated on a test as undergrads

18%

Helped someone else cheat on a test

8%

According to a survey of 43,000 U.S. high school students:

Used the internet to plagiarize

33%

Cheated on a test last year

59%

Did it more than twice

34%

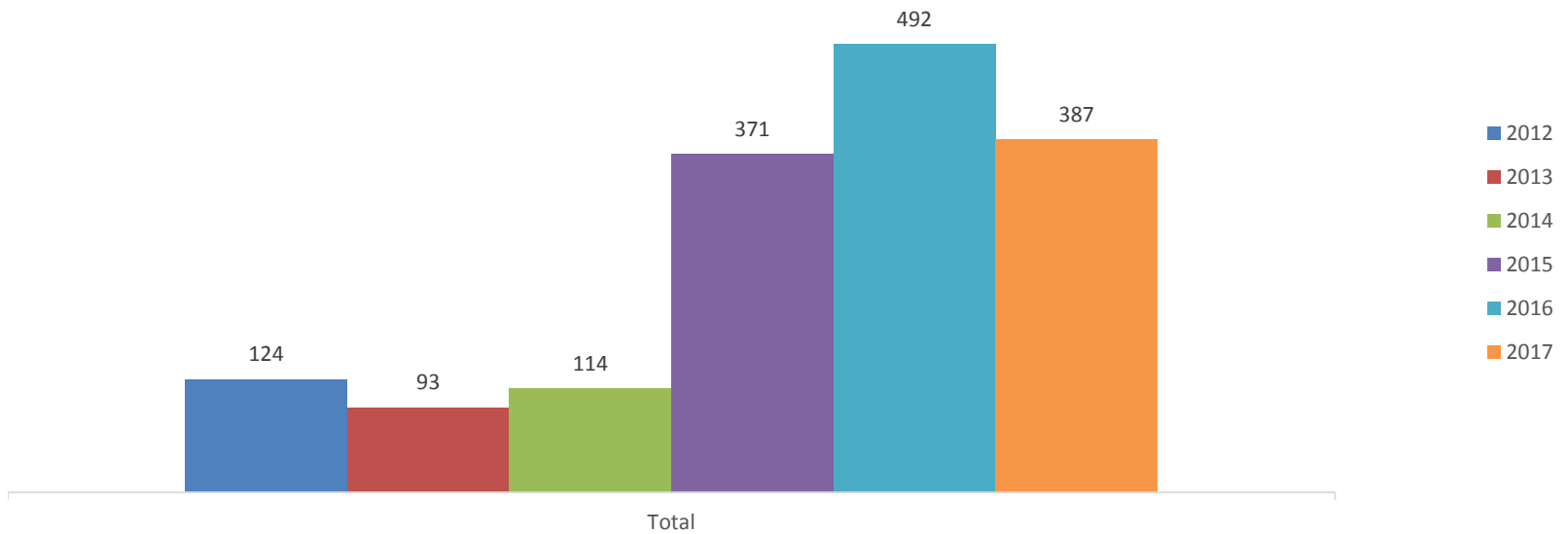
Think you need to cheat to get ahead

39%

Sources: 2006 Academic Misconduct within Higher Education in Canada | Josephson Institute Center for Youth Ethics, 2010

Langara Stats

Reported incidents of academic misconduct - 2012 to mid-Jun 2017



Academic Misconduct

Cheating - an act of deceit, distortion of the truth, or improper use of another person's effort to obtain an academic advantage

Plagiarism - the presentation of another person's or source's words and/or images and/or ideas as if they were one's own...For plagiarism to occur, intent is not necessary; plagiarism can be either intentional or unintentional. In either case, it is unacceptable.

Fraud - an intentional perversion of the truth for the purpose of inducing another to rely on it.

Decision Making – Procedural Fairness

Administrative law is the branch of law that covers non-criminal and non-civil matters. It allows bodies to investigate matters and make decisions. It requires certain standards of fairness.

“Procedural fairness”, also known as “natural justice” principles.

- Timeliness and adequate notice
- Right to know the case against (right to hear)
- Opportunity to respond (right to be heard)
- Decision made by an unbiased decision maker

The more serious the potential outcome, the greater the attention to procedural fairness.

Decisions Making – Burden of Proof

Administrative decisions allow for a lower standard of “proof” than certain legal decisions.

Decisions do not require proof “beyond a reasonable doubt.”

Decisions do not require “clear and convincing evidence.”

Consideration is given to all the facts and the decision is made based on which version of events is more likely to be true.

This standard is called the Balance of Probabilities (based on the preponderance of evidence).

Process (1st Incident)

Contact Student Conduct & Judicial Affairs to find out if this is a first offense or not. To ensure fairness and due process:

- Ask the student to meet with you.
- Discuss the concerns with the student. Be specific. Allow the student to respond to the concerns.
- If misconduct did occur, fill out the AC form and assign a sanction.
- Send completed paperwork to Student Conduct & Judicial Affairs.
- Student Conduct & Judicial Affairs retains for seven years; kept separate from official record (transcript) will only be referred to if misconduct occurs again.

NB: for repeated or serious infractions, Division Chair or Program Manager makes decision.

What to Expect in the New Policy

Policy currently under revision. Retitled “Academic Integrity Policy” (anticipated completion – Fall 2017)

New policy definition - focus on Academic Integrity

- Includes cheating, plagiarism, improper research practices, obstruction of the academic activities of others and fraud.
- Expanded role of DC to advise faculty re application of policy definitions and sanctioning advice
- Will simplify reporting (online tool)
- Instructor will have more sanctioning options
- Will eliminate Academic Conduct Form (letter will be send from SCJA)

https://langara-advocate.symplicity.com/public_report/index.php/pid263528?

Student Code of Conduct

Misconduct Includes...

Action against persons – uncivil, aggressive, threatening, endangering behaviour and includes harassment, bullying, sexual misconduct and hazing

Action against property – misuse, theft, vandalism, destruction and includes intellectual property

Use or possession of dangerous substances, objects, drugs, alcohol

Disruption of any activity of the College

Unauthorized use of facilities, equipment or services and includes recording without permission

Making false claims – including false allegations or using/issuing false information/identification

Failure to comply with reasonable direction

Aiding in a violation

Contravening other laws

Student of Concern

Student whose behaviour poses:

- A threat or risk of harm to the student or others
- A significant threat or risk to property
- Causes significant disruption to or interference with the educational process
- Interferes with the lawful and proper activities or functions of the college, or
- Suggests that the student is unable to engage in the basic activities necessary to obtain an education.

What Instructors Can Do

Employees - may intervene immediately when behaviour is disruptive to the business of the College or seems unsafe.

Instructors - authority to manage the classroom; take reasonable steps to correct disruptive behaviour; take steps if behaviour seems unsafe.

All members of the College community - authority to refer any concern to Campus Safety and Security and/or Student Conduct and Judicial Affairs

SCJA – has the authority to address student behaviour that interferes with College policy or operations and can impose conditions for continued enrollment and sanctions for non-academic misconduct.

SCJA for Faculty and Staff

Provides assistance to faculty addressing incidents of academic misconduct.

Addresses incidents of behavioural misconduct and other concerning student behaviour.

Works with faculty, staff and others as needed, to assess risk and address complex student situations.

Provides policy advice and guidance (student-related).

SCJA is here to help. You can contact SCJA for:

Notification - to alert SCJA record the incident without official intervention

Consultation - to trouble-shoot an incident or seek advice on what to do

Referral - to request that SCJA address the situation

Human Rights

Prohibited Grounds of Discrimination

As they pertain to students in Post Secondary

Race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age* of that person or class of person.

Exceptions made for bona fide and reasonable justification.

*19 years and over

Harassment

Harassment is:

- a form of discrimination prohibited under BC Human Rights Code
- unwelcome, demeaning, offensive behaviour
- behaviour that a reasonable person would know was unwelcome

Sexual Harassment

Sexual harassment is:

- a form of discrimination prohibited under BC Human Rights Code
- unwelcome, demeaning or offensive conduct of a sexual nature
- behaviour that a reasonable person would know was unwelcome
- includes verbal and non-verbal behaviour

“Accommodation”

Accommodation is an obligation under the BC Human Rights Code

Where a standard or rule has a discriminatory effect on an individual or group protected under the Code, the College must accommodate

For post-secondary students, accommodation is required most frequently around religious observation and disability (mental and physical)

Accommodation must be requested prior to implementation and may require documentation to establish entitlement

The College must accommodate to the “point of undue hardship”

Religious Accommodation

Usually pertains to absences for religious observation

Ask that the request be made in writing as early in the term as possible, with identified dates/times requiring accommodation

If you have reasonable doubts as to the legitimacy of the request, request a letter of confirmation from the student's religious leader

"Reasonable doubt" must be demonstrable (i.e.: a history of unexplained absences)

Disability Accommodation

The College will provide reasonable accommodation to students with disabilities

Requirements of licensing bodies, professional organizations or potential employers have no bearing on the College's accommodation obligations

Requests for accommodation should be made in advance, but failure to do so, does not removed the obligation to accommodate

Student Human Rights Complaints

Common type of complaints against other students

Usually complaints of harassment or discriminatory comments based on sex, gender identity, sexual orientation, race, ethnicity or country of origin, and disability (often mental disability)

Against the College

Failure to accommodate, discriminatory practices, sexual harassment, derogatory or discriminatory comments by faculty/staff based on race, ancestry, gender, sexual orientation etc.

Tips on Coaching Students

Approach discussions with students regarding “fit” or “suitability” cautiously

Remarks that contain any Human Rights related content may pose difficulties particularly should the student perform poorly, fail or have to be removed from the program

Coaching Students

Avoid the following:

“Women always have a hard time in this program. Best to just hang in there and ignore it.”

“It’s a pretty tough world out there for graduates yourage. Are you sure you want to continue in this program?”

“You know, your accent does pose a bit of a problem. It might help if you worked on that a bit.”

“Completing the licensing exam for some with a disability like yours could be difficult. But you know how it is.”

Sexual Violence and Misconduct

Sexual Violence or Misconduct

Sexual violence and misconduct – any unwanted action carried out through sexual means or by targeting sexuality, including sexual assault, sexual abuse, sexual harassment, sexualized stalking, indecent or sexualized exposure, voyeurism, cyber harassment and cyber stalking of a sexual nature, sexual trafficking, sexual exploitation and the distribution of sexually explicit imagery of a person or persons without consent. Sexual violence includes any attempt or threat to commit an act of sexual violence.

Supporting Students

Your role

If a student has come to you, chances are they have trusted you enough to disclose sensitive information. Your role is to Listen, Respect, and Refer the student on to the next steps. This resource is to help you when speaking to the student.

If someone is in immediate danger or needs urgent medical attention, call emergency services (911).

1 Listen

Let the student lead the conversation.

- Let the student lead the conversation. Try not to interrupt.
- Each student may react differently.
- Avoid counselling or offering advice unless solicited.
- Connect the student with the resources they say they want and need.

"I'm here to listen."

"What I hear you saying is..."

"Thank you for sharing that with me. You are not alone."

"It's okay to be angry/confused/sad/scared..."

2 Respect

Validate the individual's experience or reactions and support their decisions.

Sexual violence is never the fault of the student. Recognize that the person's agency has been taken away, and they did not come to you to have more taken away. They need support.

- Ask the student if they feel safe.
- Respect the words they use to describe what's happened to them.
- Acknowledge that sexual violence is never okay, and that it's not their fault.
- Ask what you can do to be supportive. Ease any concerns the student might have about academic or work considerations at the moment.

"Do you feel safe?"

"It's not your fault."

"It makes sense that you feel this way."

3 Refer

Inform the student of options and available services.

Make sure the student is safe.

Encourage the student to seek support. Allow them to make their own decisions.

Let the student know that Langara can help with:

- Implementing interim measures to ensure complainant safety, if needed
- Arranging academic accommodation, if necessary
- Making referrals to on- and off-campus resources
- Conducting or arranging for investigations
- Taking information and making a record of the incident(s)
- Assisting with police reporting

Refer the student to the on-campus services indicated on the back page under "RESOURCES". You don't need to know or recommend which service the student might need to follow up with; simply provide the support options to the student.

If students want more information on reporting, encourage them to contact Maggie Ross at Student Conduct & Judicial Affairs at 604-323-9151 or scj@langara.ca.

"Would you like to... speak to someone in our Student Conduct Office/Counselling?"

"Even if you don't know what you want to do right now, it can be helpful to talk to someone who has specialized knowledge in this area."

"Langara has places you can go to get information or support confidentially."

Taking care of your own well-being is important. Remember, it is not your job to counsel students, just to inform them of resources available to them. If you need support, contact Maggie Ross in the Office of Student and Judicial Affairs, or one of the Sexual Respect Ambassadors. The list is available on www.langara.ca/srs.

Type of Student Sexual Violence Complaints

Against other students

Sexual harassment, stalking, online harassment and stalking, off-campus sexual assault. May include historical incidents.

Against the college

Failure to respond appropriately, failure to accommodate, breach of privacy/confidentiality. Sexual harassment etc. by employees or contractors.

Interim Measures

SCJA will arrange or implement interim measures deemed appropriate to the circumstances. Interim measures may include, but are not limited to:

- No-contact undertakings or no-contact directives,
- Restrictions on access to all or some parts of the College facilities or grounds,
- Temporary, non-disciplinary leave of absence for the person alleged to have engaged in sexual violence or misconduct, and
- Any other interim restrictions deemed appropriate by the College.

Temporary Academic Accommodation

Students may make a direct request temporary accommodation, or may contact campus resources for help in making the request.

Temporary accommodation will vary from department to department depending on learning objectives and program structure, and may include,

- Extended time on assignments, alternate exam arrangements, modified group work activities,
- Late withdrawal or course deferral, work-from-home options,
- Other scheduling modifications agreeable to both the student and the program or department.

A decision on the nature and scope of temporary academic accommodation may be made in consultation with SCJA.

Upcoming Initiatives

New Sexual Violence Support Web-site

Sexual Respect Ambassador Program

Assisting Student Survivors of Sexualize Violence Guidelines

Stand Up Against Sexual Violence Poster Campaign

Concerns about Instruction policy

Purpose and Process

Purpose

To allow students to bring forward concerns about a course, course delivery, or instructional practices.

Process

The student is encouraged to speak to the instructor but is not obliged to do so.

If the matter can be resolved between the student and the instructor, it matter is closed.

Student can speak with Dept Chair/Program Coordinator/Manager.

The Dept Chair/Program Coordinator/Manager may be called upon to facilitate a discussion.

If needed, a full investigation is conducted.

Can result in disciplinary action against an instructor.

What to Expect in the New Policy

Policy under revision – Anticipated completion Fall 2017

Expanded role for Dept Chair/Program Coordinator to hear student concerns and advise

More opportunity for informal resolution

The Dept Chair/Program Coordinator may be called upon to facilitate a discussion or resolution.

Encourages consultation with Division Chair/Program Manager on serious allegations

Handling Complaints With Grace

Listen to the complaint; ask non-judgmental questions to get more information; take notes.

Refrain from comments that may be interpreted as minimizing the complaint or excusing the alleged behaviour.

- “I’m sure X didn’t mean it like that.”
- “Perhaps you misinterpreted the incident.”

Give no assurances other than that you take the concern seriously and will look into it/give it some thought.

Handling Complaints With Grace

Seek help from other campus resources if you feel ill equipped to handle the complaint or if the student wishes.

Don't hesitate to apologize for any discomfort caused.

- “ I'm very sorry that whatever has happened has distressed you. It is important to us that you feel comfortable in the learning environment.”

Express thanks for the complaint.

Special situations:

Ask for help if you feel ill equipped to handle the complaint or if the student wishes.

Do not refer code-based harassment, discrimination or sexual violence complaints to counselling.

Questions?
