

Student  
Conduct and  
Judicial Affairs

2016

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Annual Report

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Student Conduct and Judicial Affairs

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## Introduction

It has been another busy year for the Office of Student Conduct and Judicial Affairs (SCJA). The office continues to hold students accountable for their behaviour, address violations of the Student Code of Conduct, intervene and manage situations involving complex student behaviour, and provide day-to-day support and guidance to faculty and staff on both academic and non-academic misconduct. The Office also continues to contribute to the development and redevelopment of various College policies and provides education and training to members of the community on a range of student behavioural issues.

## Policy Development

### ***Sexual Violence and Misconduct Policy***

With the adoption of Bill 23 – Sexual Violence and Misconduct Policy Act, considerable time was spent by SCJA working with a broad range of campus representative to develop a Sexual Violence and Misconduct policy that reflects the unique needs and circumstances of our campus, reflect current best practices in the field, and meets the legislated requirements. The Policy was completed at the end of 2016, with early 2017 as targeted for final approval.

### ***Involuntary Leave of Absence Policy***

With the growing number of complex student behaviours that require multifaceted responses and non-disciplinary interventions, SCJA worked with the academic units to develop an Involuntary Leave of Absence Policy. The ILOA policy enables a non-punitive leave of absence from the College if on-campus supports are unsuccessful in managing complex student behaviour.

### ***Academic Misconduct Policy and Concerns about Instruction Policy***

Contributing to the institutional re-refresh of several policies, SCJA has been working with representative working groups to modernize two important college policies. The projects are expected to be completed mid-2017.

## System Improvements

### ***Symplicity Advocate Case Management System***

In an effort to improve efficiency and simplify incident reporting, tracking and response, SCJA has been working with IT and other college stakeholder to implement a cloud-based case management system, with an anticipated go live date of May 2017.

## Education, Training and Awareness Initiatives

With the focus this year on sexual violence and misconduct, SCJA has worked with C&M and a representative working group to plan and implement various awareness initiatives, including student focus groups, training for front facing employees, workshops for students, print material, and soon to be launched sexual violence and misconduct website. The working group will continue its efforts over the coming year to build institutional capacity to address this important issue.

In addition to working on the College's Sexual Violence and Misconduct initiatives, SCJA has continued to provide information to new students and parents on student rights and responsibilities by offering workshops to students on Academic Integrity, making presentations to

faculty on student behaviour management, and providing on-to-one coaching on intervention and case management strategies.

## Academic Misconduct Incidents

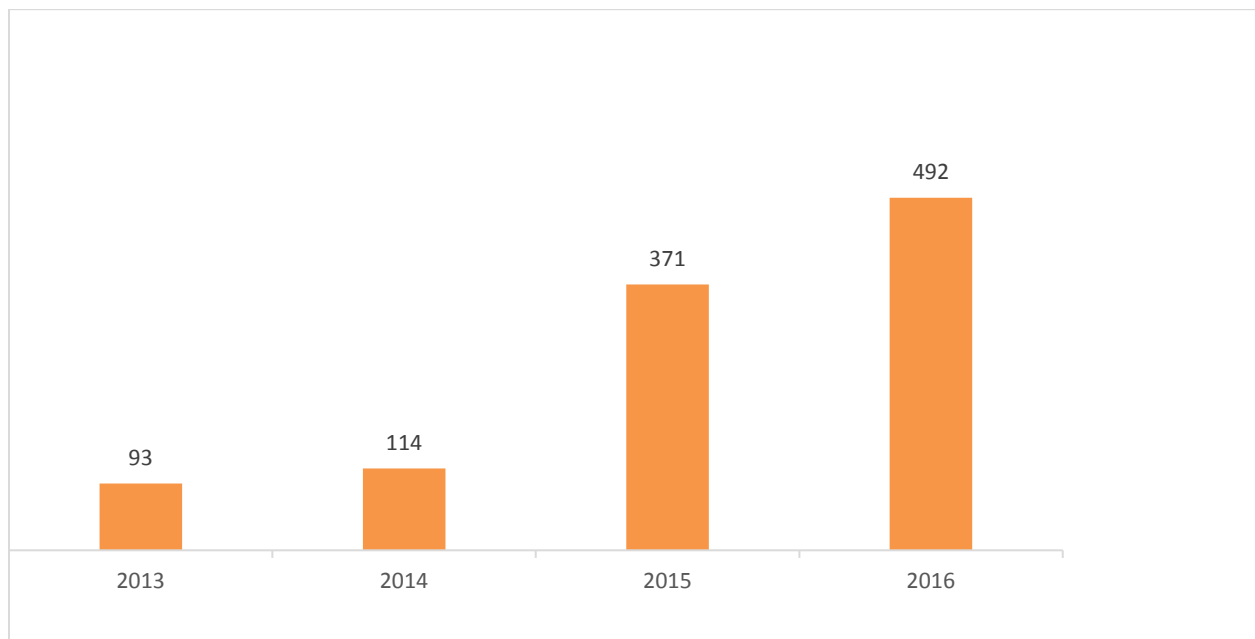
Academic misconduct can take many forms. Like last year, common examples of plagiarism during 2016 were large-scale cutting and pasting from other sources, copying from another student's work or allowing another student to copy from their work, failing to cite correctly on a paper, and handing in someone else's work as their own. Incidents of cheating have increased this year with more students using unauthorized aides or technologies during exams, talking or otherwise sharing information during exams, and engaging in unauthorized collaboration on assignments.

The following charts have included data from previous years for comparison purposes.

*Note:* The incident numbers mentioned below should not be interpreted as reflecting all academic misconduct occurring on campus. Not all faculty members report incidents of academic misconduct, and some departments have devised procedures for addressing incidents within the department.

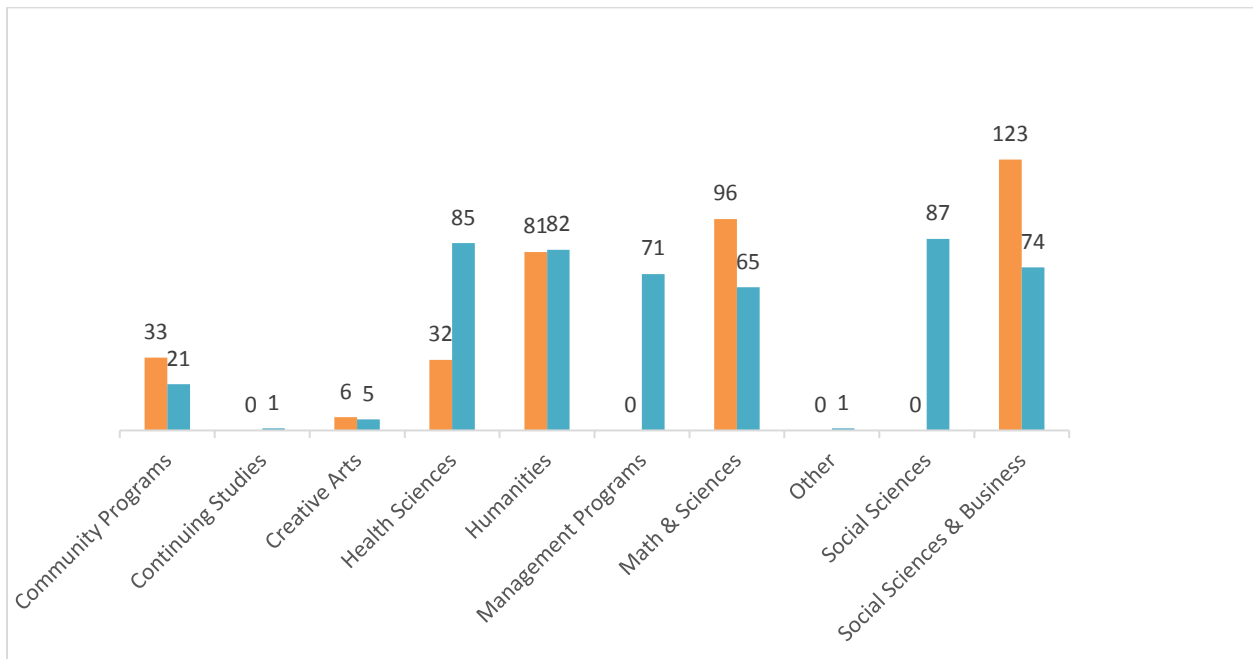
### ***Incident Numbers***

The trend in increased reported incidents of academic misconduct continues, with an overall increase to 492 reported incidents from last year's 371.



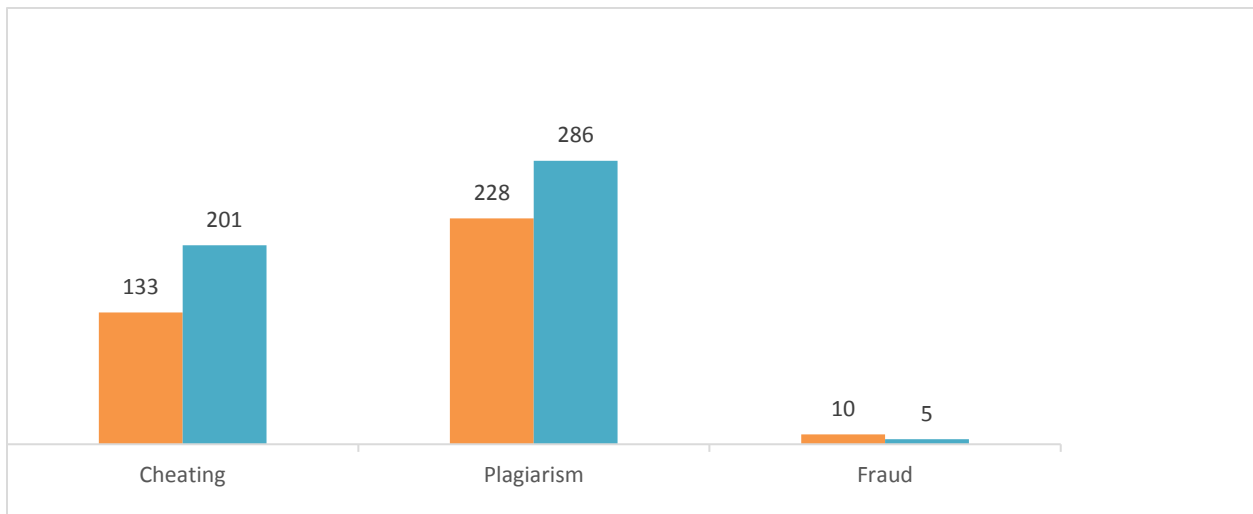
In 2016, some Divisions showed an increase in reported incidents, while others showed a slight reduction.

When reviewing the table below, it is important to keep in mind that the former Social Sciences & Business Division was separated into two different divisions in mid-2016. The combined 2016 figure for both Social Sciences and Management Programs was 232 reported incidents, up from 123 in the previous year.



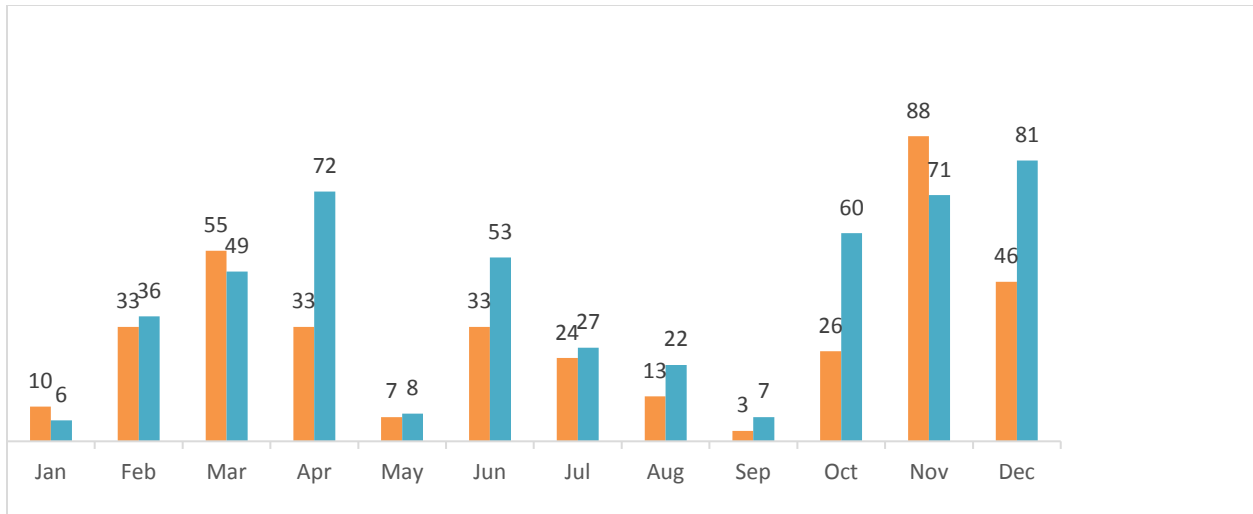
### ***Incident Types***

In 2016, most reported incidents involved concerns regarding plagiarism (286), followed by cheating (201) and a small number related to fraud (5).



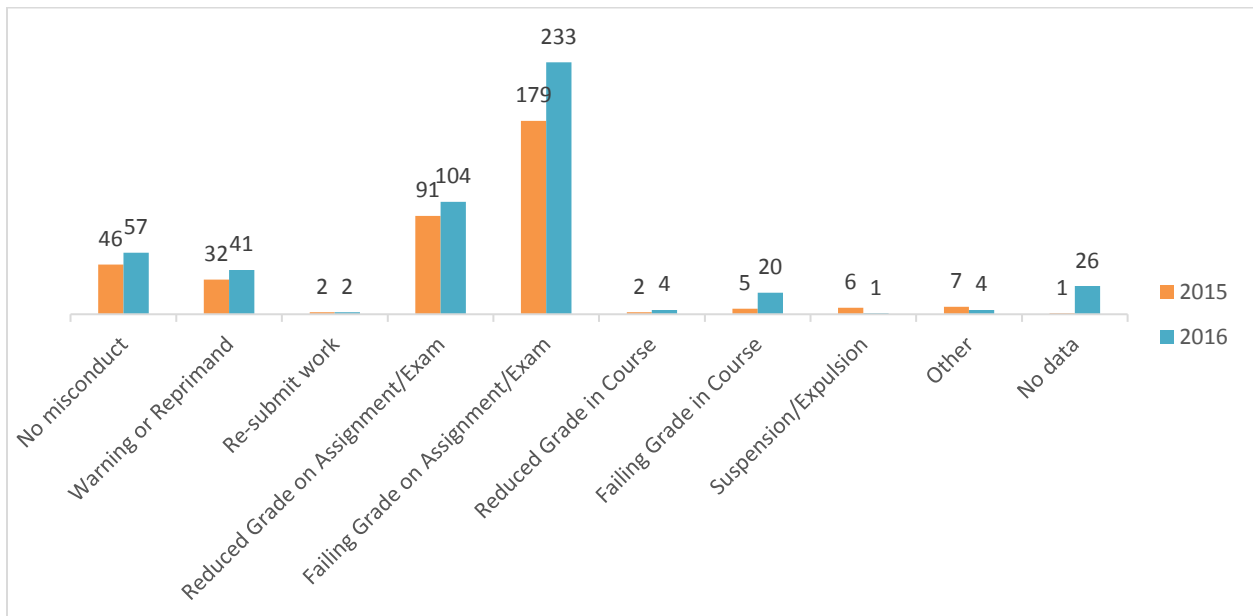
### ***Monthly Distribution***

Unsurprisingly, incidents occurred most frequently mid to late semester, with December recording 81 incidents and April showing 72. The months of October and November recorded 60 and 71 incidents respectively.



### ***Penalties***

Following the investigation, faculty determined that misconduct occurred in 435 of the 487 reported incidents in 2016 (no data was available for 26 cases at the time of this writing). Like last year, the most common penalties for academic misconduct were a failed or reduced grade on the assignment or exam (233 and 104 respectively), and course failure was applied in 20 cases. The College suspended one student in 2016 for violations of both the Academic Conduct policy and the Student Code of Conduct.



### ***Recidivism***

The majority of reported incidents were first infractions (406). Repeated incidents were comparatively rare, with thirty-four second infractions and nine third infractions on the record.

### ***Appeals***

Of those instances where students were found to have engaged in academic misconduct, 22 students requested an appeal. Seventeen requests were declined for failing to meet the grounds for an appeal, and one student withdrew their request. Four requests proceeded to an Appeal Panel. In all four cases, the Panel upheld the original decision.

### **Academic Conduct Appeal Panel Decisions**

The following will provide a sense of how the Academic Conduct Panel considers cases brought to their attention.

#### **Case 1**

The instructor noticed that five students exhibited exam inconsistencies, with over-performance on the more difficult portions of the exam and under performance on the simpler sections. As part of the investigation, the instructor required the student to complete a secondary exam to assess the student's knowledge and to determine if cheating occurred. The student refused. The panel concluded that the instructor was within their rights to request another exam and, given the student's refusal, the instructor was correct in basing the decision on the available information. The panel agreed to uphold the original penalty. The fact patterns were similar in two other appeals.

#### **Case 2**

The instructor determined that the student plagiarized within an assignment and more specifically, that she used word for word content taken directly from a source material. The instructor noted that the course outline and instructions for the assignment included information on correct referencing and on-campus resources available to assist students. The instructor imposed the penalty of a zero on the assignment. The student defended the appeal by stating that she had missed the first class, had not read the course outline thoroughly and further, that the librarian provided incorrect guidance when she sought help. The panel concluded that the instructor went to great lengths to provide information to students regarding the expectations and that the student's failure read the instructions did not excuse the behaviour. The Panel upheld the original decision.

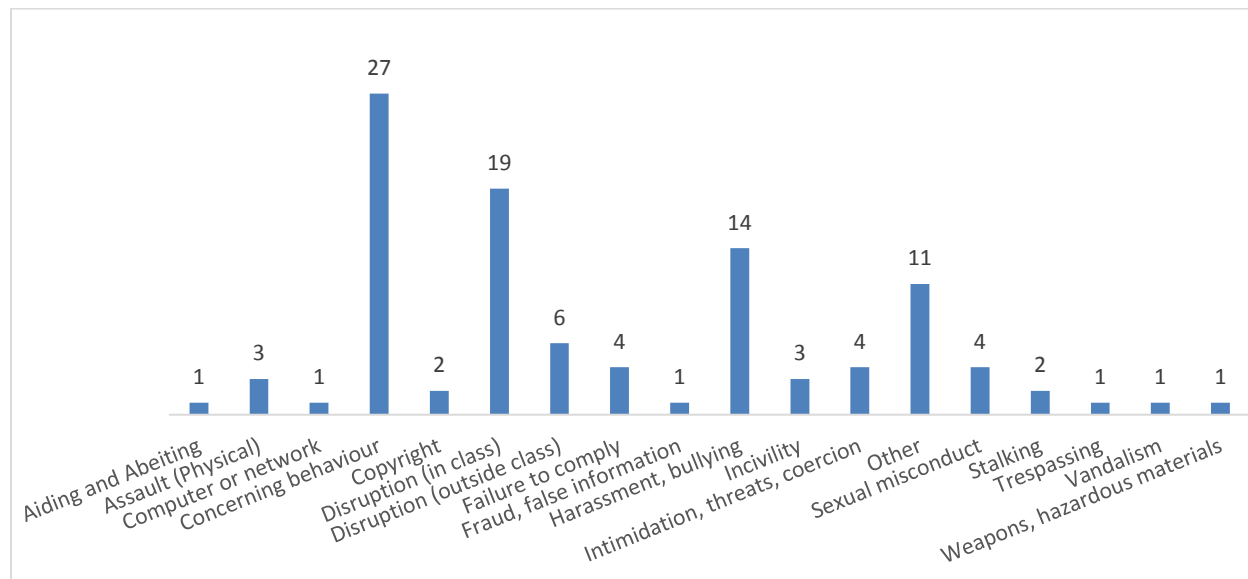
## Behavioural Misconduct Incidents

### Incident Numbers

During 2016, SCJA addressed 105 conduct incidents, an increase from 96 in 2015. No violation was found in 4 of those cases and in 15, the contact was student initiated help seeking.

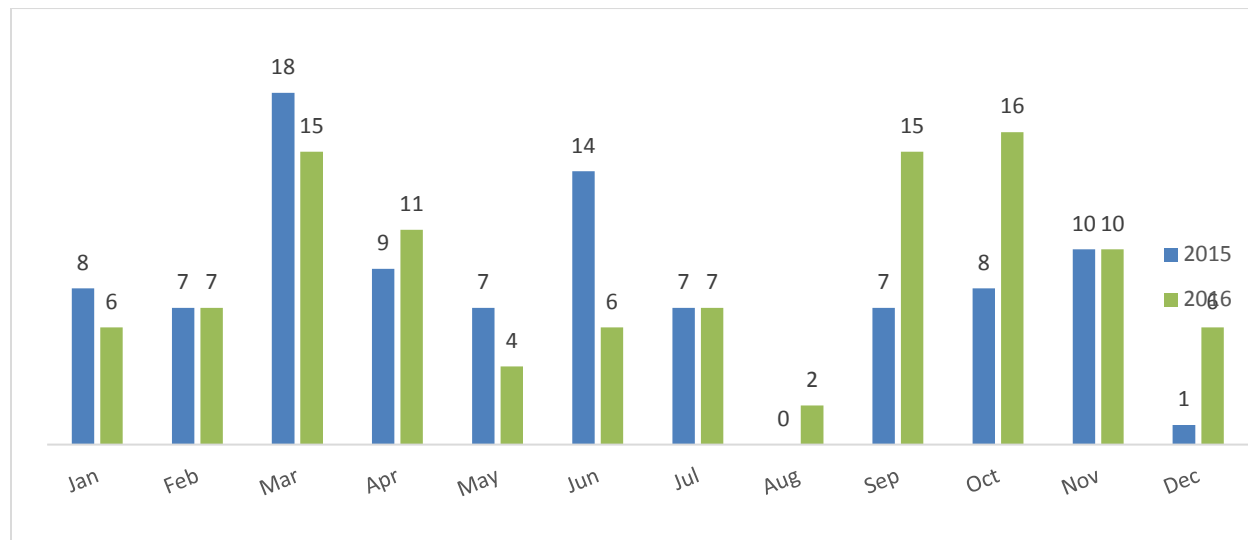
### Incident Types

Where a conduct violation occurred, the most frequent incidents included incivility, aggression, threats (27), disruptive behaviour (26), and other concerning behaviour (24).



### Monthly Distribution

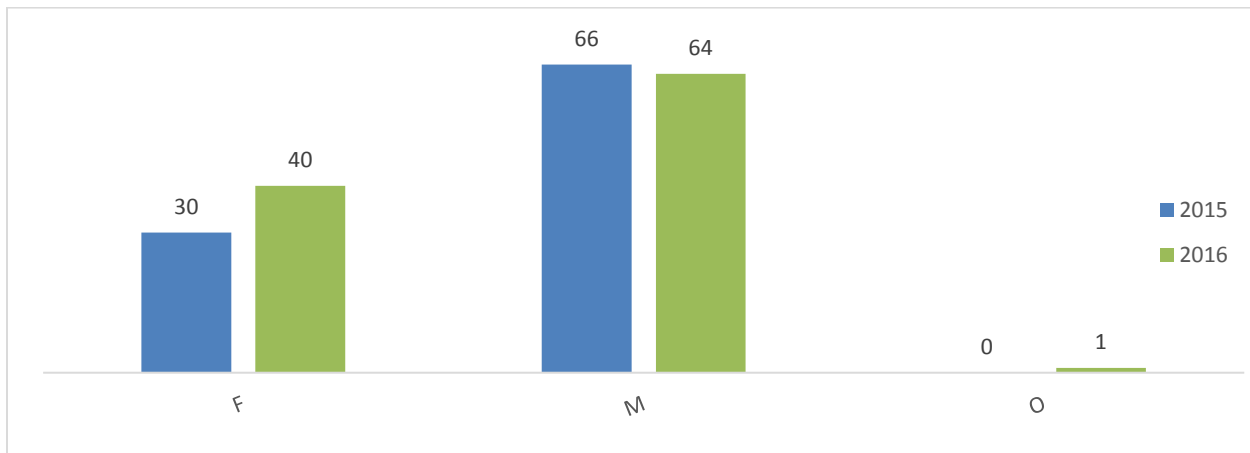
The highest number of conduct incidents arose in October (16), September and March (15), April (11), and November (10), roughly mirroring academic cycle.





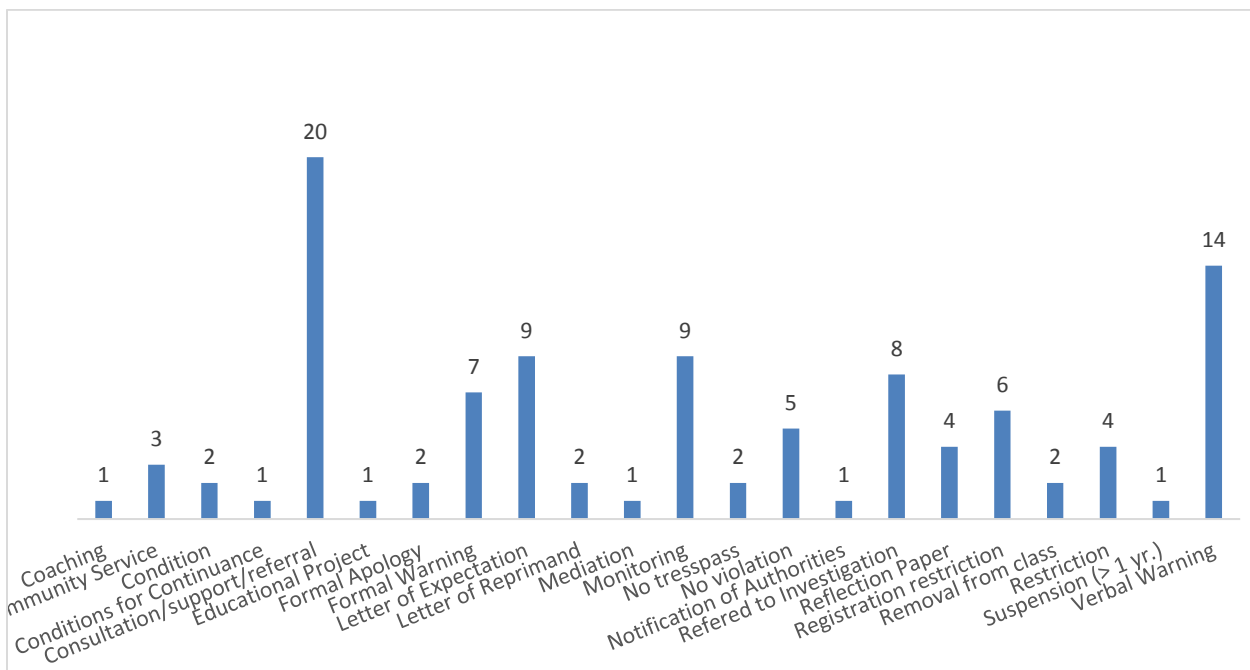
### Gender Distribution

Like the year before, males were more likely than females to engage in non-academic misconduct; however, there has been an increase in behavioural concerns involving female students.



### Sanctions

During 2016, sanctions have been relatively modest, with verbal and written warnings being most common (32). In an additional 31 cases, the issues were more complex, requiring a variety of resolution methods, including liaison with health professionals, social service agencies and families, collaboration with Langara faculty and staff, on-going monitoring, coaching, community assistance and related referrals. In 11 cases, restorative and/or educational approaches achieved resolution. In 25 cases, the behavioural concerns were sufficiently serious to require conditions for continued enrollment, restriction on attending classes or registering in upcoming courses until predefined conditions were met, or additional investigation. As mentioned earlier in this report, one student was suspended for violations of both the Student Code of Conduct and the Academic Conduct policy.



### ***Appeals***

During 2016, two students submitted appeals of sanctions imposed under the Student Code of Conduct. In both instances, the original sanctions were upheld.

## **Behavioural Misconduct Examples**

Student conduct management is a complex endeavor that requires a careful balance of various interests. While statistics provide some information about the activities of SCJA, the following pages offer examples of the various concerns addressed by the Office of Student Conduct & Judicial Affairs. *Note: student names are fabricated and no identifiers are included.*

### **Alida**

The department notified SCJA because Alida's behaviour suggested substance related impairment and appeared erratic and unusual in other ways. Upon reviewing the matter more fully, it was noted that the department had been struggling with Alida's significant attendance issues. In an effort to support her, the department allowed some flexibility in attendance for medical reasons. Investigation revealed a pattern of inconsistent and contradictory explanations for the absences, suspect medical information in support of the absences and evidence that the student had traveled to various out-of-province locations during the period of claimed medical incapacity. As Alida was near completion of her program, she was permitted to continue with clear conditions regarding her behaviour and the College's expectations for her continuance. Alida completed the program without further concerns.

### **Kostya**

The instructor notified SCJA that Kostya had interrupted his lectures since the start of the semester; publically criticised his pronunciation and handwriting; used class time to argue about the selection of course content; repeatedly challenged the instructor's grading decision during class, and made excessive and sometimes inappropriate in-class commentary. When the concerns were brought to Kostya's attention, he claimed that his actions were legitimate because of the instructor's "bullying and discriminatory" behaviour toward him. When asked to provide more information about the bully and discrimination claim, Kostya's only explanation was that that the instructor required him to raise his hand before speaking in class. Kostya then provided a number of emails from classmates to support his claim. These emails confirmed that other students found Kostya's in class behaviour disruptive, but expressed the view that the behaviour did not appear malicious. Kostya was provided with a Letter of Expectation outlining expected classroom behaviour and clarifying the instructor's authority around classroom management. No further concerns arose regarding Kostya's behaviour.

### **Darnell**

An instructor contacted SCJA because Darnell had engaged in rude, offensive and demeaning conduct toward her. When asked about the behaviour, Darnell confirmed that he might have sworn at, and shown frustration toward his instructor, but stated he was having difficulty understanding the course material. He claimed that when he asked for assistance, all he got was a "flood of words" he did not understand. He appeared to be of the opinion that his behaviour was acceptable and justified. There had been a similar incident the previous year with Darnell, where he engaged in offensive, argumentative and disruptive behaviour toward another instructor. At that time, he became angry when the instructor told him to stop the behaviour, because Darnell did not like to be "managed and treated as a subordinate." Some years ago, Darnell had experienced a serious work injury that resulted in a permanent disability with cognitive impairment and chronic pain. Darnell

was given a Letter of Expectation outlining the College's expectations for future behavior and was referred to both counselling and disability services for support and assistance.

### **Javier and Anders**

Security personnel intervened in an incident where Javier and Anders were engaged in a physical fight in the silent study area of library. Both students confirmed their involvement in the fight but claimed the fight was initiated by the other student. The investigation was not able to establish who started the fight and evidence suggested equal contribution to the incident. Because this was the first incident for both students, the sanction was a requirement to undertake community service. Javier was required to undertake volunteer service in the library, and Anders contributed to the Sexual Violence Education & Awareness planning process. In both instances, the community service was satisfactorily completed and no other concerns arose with either of these students.

### **Jasmine and three others**

The Department Chair was in contact with SCJA because students in the program reported that four other students were engaging in discriminatory conduct toward students of Asian descent. Jasmine and her colleagues confirmed that they had made disparaging comments about the Asian students' accents, made grimacing facial gestures when the Asian students spoke and claimed that people with accents were poor role models and would not be good workers in the field. Jasmine and her colleagues claimed that their reaction has nothing to do with ethnicity and was a natural response to their inability to understand their classmate's accents. By way of resolution, Jasmine and her colleagues each had to write a reflection paper examining cultural diversity in Canada and their chosen filed. Each of the papers demonstrated a new awareness of the role of cultural diversity in Canadian society, and three of the four students expressed an appreciation of the exercise.

### **Ahmed and Karun**

Ahmed and Karun were reported to have repeatedly approached different female students in a sexualized and aggressive manner. Initial identification of these students was not possible, but when two of the female students attempted to photograph Ahmed and Karun, the two men followed the women demanding that the photograph be deleted. Both Ahmed and Karun denied any wrong doing, claiming that they would never treat women in this way. They claimed their response over the photograph was because they were concerned that the photo may be posted on-line in a way that was not complimentary to them. Despite their denials of wrong doing, the evidence suggested otherwise and both students were permitted to remain enrolled with strict conditions on their association, movement and behaviour. Within six weeks both students had breached the conditions. As a result, they were restricted from further registration until certain conditions were met.

### **Jiao**

The program contacted SCJA after several attempts to intervene and support Jiao in his studies. The Program had concerns regarding Jiao's poor attendance, his sleeping in class, his failure to complete assignments, his lack of communication and his occasional outbursts of frustration. Despite the program's intervention and referrals to on-campus supports, Jiao's behaviour continued. Further conversations took place between SCJA and Jiao, where he was urged to access resources to aid him in addressing the behavioural concerns. Problems persisted and as a condition for continuance, arrangements were made for Jiao to see a private counsellor to assist with his difficulties. Several conversations took place with Jiao and his counsellor, and although he was deemed fit to return, he continued to appear uncommunicative and disoriented. At one point he had to be woken up by the instructor after falling asleep during a test. As a result of this ongoing pattern of behaviour, Jiao was required to step aside from the program.

**Darshit**

A female student contacted SCJA to express concerns that Darshit, while sitting behind her in class, removed his shoe and repeatedly inserted his bare foot into the her jacket pocket. She reported that when she told Darshit to stop, he became loud and abusive, and challenged her saying, "what will you do about it?" and then threatened to slap her in the face. Darshit denied the actions claiming he was always polite toward the female student. Witness information, however, confirmed the female student's version of events. Darshit was issued a formal warning for the behaviour and was permitted to continue with his studies with strict conditions on his on-campus activity. No further problems were reported regarding Darshit.

**Samar**

An instructor reported that Samar appeared to have obtained her logon password and accessed her account, giving himself a number of course overrides. A thorough investigation was undertaken Samar's computer usage, and the information established that Samar had gained unauthorized access to College records and changed them. When informed, Samar did not deny the actions but claimed he simply wanted to get ahead of the wait list process. Samar was suspended from the College for two years, for violations of the Student Code of Conduct, the Computer Use Policy and the Academic Conduct Policy.