

Guidelines for Preparation & Participation in a Student Conduct Investigative Interview

The following guidelines are based upon the principles of procedural fairness whereby students have the right to be heard and the right to an unbiased decision maker. Please read the following document carefully. If you have further questions regarding how to prepare for or participate in an investigative interview, please email or call the Student Rights and Responsibilities Office (SRRO) at: srr@kpu.ca, 604-599-2218 or 604-599-2960.

❖ Ways to report information to the SRRO:

- Any member of the Kwantlen Polytechnic University (KPU) community has the right to bring a complaint forward about a student even if that complaint is ultimately found to be unsubstantiated.
 - When a complaint is filed the person making the complaint is called the Complainant and the person whom the complaint is about is called the Respondent.
- Incidences that occur which may breach University policy result in a report being forwarded to the SRRO.
 - When a report is filed, the student(s) identified as potentially breaching policy is called the Respondent.

❖ The Complainant has the right to the following:

- To make a complaint;
- To not be subjected to retaliation or reprisal;
- To present their complaint in person;
- To be informed of procedural fairness in the Non-Academic Misconduct Investigation;
- To have the case investigated by an unbiased investigator;
- To have the decision made by an unbiased decision-maker;
- To know the final decision/outcome of the investigation; and,
- To have the decision in writing.

❖ Once a complaint/report is filed, a Respondent has the right to the following:

- To know the allegations/report against him/her, and to receive this information in writing;
- To know who made the allegation(s), whether via a complaint or a report;
- To be given an opportunity to respond to all of the allegations in person;
- To be informed of procedural fairness in the Non-Academic Misconduct Investigation;
- To have the case investigated by an unbiased investigator;
- To have the decision made by an unbiased decision-maker;
- To know the final decision/outcome of the investigation;

- To have the decision in writing; and,
- To appeal the decision to the Senate Standing Committee on Appeals only on the basis of:
 - i. procedural unfairness, which means that established procedures were not followed or were improperly applied during the Investigation and/or decision making process; and/or
 - ii. new information available, which could not have been available at the time of the Investigation, that could have reasonably impacted the decision.
- ❖ At any point in the process a Judicial Hold may be instated on a Student's account. A Judicial Hold prohibits any registration-related activity until the matter at hand is resolved. Times when a Judicial Hold may be instated include: when a Respondent refuses to meet and/or refuses to cooperate in the investigative process; and/or, does not complete their sanctions.
- ❖ Complainants, Respondents and all witnesses are expected to conduct themselves in an appropriate manner during the investigation. It is expected that the person being interviewed will be civil, respectful, truthful and forthright.
- ❖ It is a serious student conduct offence to make an *intentional* false allegation.
- ❖ Please arrive on time to your investigative interview. Rooms are typically booked for a set time, and there may not be space or flexibility to reschedule for that day. Most interviews take approximately one and a half (1.5) hours to complete. If you need to reschedule the meeting, please contact the Student Rights and Responsibilities Liaison you have been communicating with. If you are running late, the interviewer will only wait in the room for a maximum of 15 minutes at which point you will be deemed to have missed the interview.
- ❖ Students will be required to show picture identification (KPU student ID preferred) at the beginning of the investigative interview.
- ❖ Students will be required to initial and sign a statement after they have had their rights and responsibilities in the Non-Academic Misconduct process explained to them indicating that this explanation happened and that they understand their rights and responsibilities and the process.
- ❖ KPU may contact witnesses or other individuals who may have pertinent information regarding the investigation and require that the individual(s) attend an investigative interview.
- ❖ It is expected that the details of the student conduct investigation will be kept private and confidential among those directly involved in the case or investigating/managing the case. Participants in a conduct investigation are asked not to discuss the case with other students, instructors or colleagues. Breaches of confidentiality will not be tolerated and students who breach confidentiality will be held accountable under this Policy.
 - **Note 1:** You may discuss your case with a support person (counselor, family member or confidante), but it is your responsibility to ensure that confidentiality is maintained.

- **Note 2:** Confidentiality may not be protected if a student is/appears to be at risk of harming him/herself or any community member; or has made reference to harming a child or senior, or shares knowledge of a child or senior being harmed. In such cases, relevant information will be shared with the appropriate authorities to ensure the safety of the student/community.
 - **Note 3:** The investigating officer may share or request information with other KPU administrators, staff or faculty if it is deemed pertinent to the investigation. Information is shared **ONLY** on a need to know basis, or based on the 'duty to warn or the duty to inform' principle for the safety of the KPU community, or any person associated with the investigation. All KPU Administrators, Staff & Faculty are likewise bound to uphold utmost confidentiality regarding the investigation.
 - **Note 4:** Confidentiality is not synonymous with anonymity. The SRRO will not accept anonymous complaints.
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- ❖ Investigations will be conducted in a fair and timely manner. A 'typical' case takes approximately forty-five (45) working days to complete. However, parties must recognize that in the interest of procedural fairness, or due to extenuating circumstances, the process, at times, may take longer than originally anticipated. Additionally, some cases may take precedence in being addressed due to the nature of its seriousness or risk to the KPU community. If you have any questions about the status of your case/investigation, please contact the SRRO by email or phone for an update.
 - ❖ Any party is permitted to have a support person present with him/her during the investigative interview and/or subsequent meetings. A support person may be present to give emotional support to the participant, but may not answer questions or speak on behalf of the interviewee. The support person is permitted to take handwritten notes of the interview. At the end of the interview, support persons may be given the opportunity to ask questions regarding the investigative process. It is expected that the support person will be civil and respectful and if this is not the case may be asked to leave the meeting. If an interviewee intends to have a support person present during the investigative interview, s/he is requested to inform the SRRO at least one day (24 hours) prior to the investigative interview appointment.
 - ❖ Investigative Interviews will be digitally recorded by the SRRO. Interviewee's are not permitted to record the interview for themselves and will not be given their own copy of the digital recording. The interviewee may schedule an appointment to listen to the recording if they would like.
 - ❖ The Student Rights and Responsibilities Liaison (or designate) will take notes during the interview.
 - ❖ This is an administrative process to determine if a KPU policy has been violated. This is not a criminal process which is a legal process that determines the guilt or innocence with regards to a violation of the Criminal Code of Canada.

- ❖ At any time during the Non-Academic Misconduct investigation, an alternative dispute resolution option may be offered to the participants. The alternative dispute resolution is a voluntary process and must be agreed upon by all parties.
- ❖ In determining whether a breach of KPU's student conduct policy has occurred, the University adheres to a standard of proof based on a balance of probabilities; which means based on the information gathered is it "more likely than not" there was a breach of policy.