

## NON-ACADEMIC MISCONDUCT PROCEDURE

This procedure is governed by its parent policy. Questions regarding this procedure are to be directed to the identified Procedure Administrator.

<b>Functional Category:</b>	Academic
<b>Parent Policy:</b>	Student Judicial Affairs Policy
<b>Approval Date:</b>	January 8, 2018
<b>Effective Date:</b>	January 8, 2018
<b>Procedure Owner:</b>	Vice President, Teaching and Learning
<b>Procedure Administrator:</b>	Dean, Student Services and Registrar
<b>Overview:</b>	<p>NorQuest College (college) is committed to maintaining high standards of non-academic conduct and academic performance and integrity, in order to foster a learning environment conducive to the personal, educational, and social development of its students. This commitment is founded upon the principles of fairness, trustworthiness, honesty, respect, and responsibility. The college expects that its students will be guided at all times by these principles in the work that they submit and the behaviour in which they engage.</p> <p>The Non-Academic Misconduct Procedure directs the adjudication of cases of alleged non-academic misconduct and establishes the steps in the process, the standards by which alleged misconduct shall be judged, and the range of sanctions that may be imposed.</p> <p>Authority to establish this procedure is derived from the <u>NorQuest College Board of Governors Policies</u>:</p> <ul style="list-style-type: none"> <li>• <u>No. 5</u>, which delegates authority to the President and CEO to establish policies and procedures for the college's management and operation, and</li> <li>• <u>No. 8</u>, which requires the President and CEO to establish policies and procedures to ensure that college students comply with the college Code of Conduct.</li> </ul>
<b>Procedures:</b>	<p>NorQuest College is committed to maintaining high standards of non-academic conduct, and it is incumbent upon all members of the NorQuest community to uphold these standards. Allegations of non-academic misconduct will be addressed using the adjudication principles stated in the Student Judicial Affairs Policy and the actions specified below.</p> <p><b>Forms of Non-Academic Misconduct</b></p> <p>Non-Academic Misconduct may be defined broadly as any behaviour that:</p> <ul style="list-style-type: none"> <li>• Adversely affects the learning of others or the college's educational mission.</li> <li>• Violates civil or criminal statutes.</li> <li>• Threatens the safety or well-being of members of the NorQuest community.</li> <li>• Violates the ethical standards set by professional associations, or the workplace standards set by practicum, clinical, work or volunteer placement agencies, in connection with the student's program of study.</li> </ul> <p>Common examples of non-academic misconduct include, but are not limited to, the following behaviours:</p> <ul style="list-style-type: none"> <li>• Disruption of the learning environment, including classrooms, laboratories, study areas, the library, and student placement sites.</li> <li>• Exercise of force against any person or property or the threat of such force.</li> </ul>

- Verbal assault, abusive or offensive language, defamation, discrimination, retaliation, or harassment towards others.
- Sexual violence, including, but not limited to, sexual assault or sexual harassment.
- Dissemination of malicious material, or engaging in activity that could hinder or prevent the full participation of another person or group in the NorQuest community.
- Unauthorized entry into, unauthorized use of, or misuse of college property, including facilities and equipment.
- Theft of, intentional or careless damage to, or unlawful possession of college property, including its facilities and equipment, as well as the personal property of members of the college community.
- Possession or use of any weapon or device that may reasonably be construed to be a weapon, explosives, fireworks, or dangerous chemical, regardless of whether the individual has a license to possess such items.
- Evidence of consumption of alcohol or other substances that impair behaviour or academic performance or adversely affect members of the NorQuest community.
- Failure to adhere to college policies, procedures, and/or the instructions of college personnel who are enforcing college policy and procedures, including refusing legitimate requests to produce identification or refusing to obey emergency processes.
- Violations of civil or criminal statutes where such violations adversely affect the college's educational mission.
- Neglect of safety procedures or intentional creation of safety hazards.
- Willful failure to participate in established disciplinary procedures, knowingly violating approved disciplinary sanctions, or failure to comply with legitimate directives from college personnel.

### **Standards of Classroom Behaviour**

The primary responsibility for managing the classroom environment rests with the individual instructor. Students who engage in any prohibited or unlawful behaviour that results in disruption of a class or other supervised academic activity may be directed by the instructor to immediately leave the instructional area until the incident is satisfactorily resolved or until that class or supervised academic activity has concluded for the day, whichever comes first.

Persistent or unresolved disruptive behaviour may result in a formal allegation of non-academic misconduct. The instructor should consult with the Academic Chair and seek an informal resolution, if possible, before proceeding with a formal allegation of non-academic misconduct.

### **Scope of Procedure with Respect to Outside Parties**

Allegations of non-academic misconduct may be referred to police, other areas of the college, and/or other outside organizations in instances when the college is obliged to protect the safety and security of the college community.

The college may investigate allegations of non-academic misconduct brought forward by members of the public if there is reason to believe that the student in question poses a threat to the safety, security, or educational environment of the college community.

When criminal and/or civil proceedings are commenced with respect to an allegation of non-academic misconduct, the college will respond in accordance with its policies and procedures. This response may include implementing conditions, accommodations, and/or supports for affected

parties; and/or initiating its own independent investigation in order to determine whether or not there was a violation of the college's policies and procedures that warrants disciplinary measures under this procedure. When there is a concurrent criminal investigation, the college will not delay its own proceedings, but will cooperate with the police to the extent that the college is legally required to do so.

### **Temporary Removal of a Student from College**

A Teaching and Learning Dean or the Office of Student Judicial Affairs may exclude a student from college premises for up to five working days, effective immediately and without prior notice, if there is a reasonable basis to conclude that the continued presence of the student on college premises poses a clear and present danger to the student, to others, or to property. In extenuating circumstances, the Vice President, Teaching and Learning, may extend the temporary suspension pending the conclusion of the investigation.

Campus Security may exclude a student from college premises until the next working day in the interests of protecting the well-being of the individual or other members of the college community.

### **Allegations of Non-Academic Misconduct**

Any member of the college community who observes or experiences an incident of alleged non-academic misconduct should refer the incident to the Office of Student Judicial Affairs (OSJA).

The OSJA will, as soon as possible after being informed of an incident of non-academic misconduct, carry out an investigation for the purpose of determining a suitable resolution.

In the interest of protecting the integrity of the process and the rights of members of the campus community, the OSJA may elect not to investigate complaints it deems trivial or vexatious, or those submitted an unreasonable amount of time after the alleged incident occurred.

A student will be notified within five working days of any allegation of non-academic misconduct against them that is being investigated by the OSJA. If the student does not cooperate with the investigation, the investigation will proceed, and a decision will be made without that person's involvement.

Informal and alternative dispute resolution methods (i.e., mediation, restorative justice) may be pursued in some cases, such as when the conflict in question is interpersonal in nature, and only when the affected parties are ready, willing, and able to participate. A person's participation (or lack thereof) in an alternative dispute resolution process will not be a factor in any future decisions made by the OSJA regarding sanctions.

If the OSJA proceeds with a formal investigation, and if this investigation supports a finding of non-academic misconduct, the OSJA will review the student's history of non-academic misconduct, if any, before applying a sanction as outlined in Non-Academic Misconduct Sanctions (below).

The personal information obtained by the OSJA is being collected, used, and disclosed pursuant to section 33(c), 39(1)(a), and 40(1)(c) of the *Freedom of Information and Protection of Privacy* (FOIP) Act. This information is collected and used by the OSJA to render a decision, communicate outcomes, and issue sanctions to the affected parties. The decision of the OSJA, including a summary of the facts on which this

decision was based, the sanction(s) to be applied, and the allowable grounds for appeal, will be communicated to the student via college email. The OSJA will place the report on file and, if applicable, monitor the fulfillment of any conditional sanctions.

The outcome may be disclosed to other members of the college community for the purpose of administering the decision. In addition, under section 40(1)(b) of the FOIP Act, parties directly affected by the incident (complainants, witnesses, etc.) will be informed of the outcome only as much as is allowed under that section. Questions about the collection, use, and disclosure of personal information can be directed to Office of Student Judicial Affairs, A125, 10215-108 St NW, Edmonton, Alberta T5J 1L6; Tel: 780-644-6490; and Email: [osja@norquest.ca](mailto:osja@norquest.ca).

### **Non-Academic Misconduct Sanctions**

A student who has been found to have committed an act of non-academic misconduct will receive one or more of the following sanctions. When applying sanctions, the OSJA will consider the following criteria: the seriousness of the offence, the impact it had on the community, and any previous record(s) of non-academic misconduct.

*Warning/Admonition:* Written notice that further incidents of non-academic misconduct may result in additional disciplinary action that could carry more serious consequences.

*Community Service:* Prescribed service to the college community commensurate with the particular violation.

*Restitution:* Reimbursement or replacement of damaged property belonging to the college or third parties.

*Conduct Probation:* Probation intended to restrict an individual from engaging in behaviours or activities that may in other circumstances be permissible.

*Restriction of Privileges:* Limitation of access to specific college facilities, equipment, or services for a specified period.

*Encumbrance:* Withholding of official academic documents or denial or termination of registration until compliance with all sanctions is demonstrated.

*Withdrawal from Program:* An exclusion from current academic program, with or without an option to return under certain conditions or within a prescribed period; access to other programs, courses, or services at the college is not affected unless otherwise specified.

*Suspension:* An exclusion from accessing any or all college buildings, facilities, programs, or services for a prescribed period or until specified conditions have been satisfied.

*Expulsion:* A permanent exclusion from accessing any college buildings, facilities, programs, or services.

### **Appeals**

A student who wishes to appeal a decision made by the OSJA within this procedure must submit the appeal in writing within five working days of the date of the OSJA decision to the Office of the Dean, Student Services & College Registrar.

For the appeal to go forward to a panel, the student must demonstrate that the OSJA decision was impacted by ONE of the following criteria:

- alleged bias on the part of the parties who investigated the complaint; or
- alleged unfair procedures in reviewing the complaint; or
- substantial new evidence that was not previously available;

AND that the outcome might have been substantially affected by any of the above circumstances.

The Dean, Student Services & College Registrar, will review the application and, if the request to appeal is approved, a Hearing Panel will be convened within ten working days of this approval. The decision made by the Dean is final.

If a Hearing Panel is convened, following its deliberations the Hearing Panel will submit its report, including the basis for its decision, to the OSJA. The OSJA will inform parties of the outcome within three working days of the decision, place the report on file, and, if applicable, monitor the fulfillment of any conditional sanctions.

The decision made by the Hearing Panel is final.

#### **Hearing Panel Composition**

One student, one unaffiliated instructor, and one person designated by the Vice President, Teaching and Learning, who will act as Chairperson (normally an Associate Dean or Dean, Teaching and Learning).

#### **Definitions:**

**Class:** any period of instruction, including but not limited to lectures, laboratories, practical, clinical placements, work experience placements, or examinations.

**College premises:** any buildings, grounds, or equipment, including, but not limited to, academic and administrative technologies owned, leased, operated, controlled, or supervised by the college in support of its activities.

**Discrimination:** an action or behaviour that results in unfavourable, adverse treatment or preferential treatment related to prohibited grounds. Examples of discrimination include (but are not limited to): refusal to provide goods, services, or facilities; exclusion from employment or employment benefits; refusal to work with, teach, or study with someone; or failure to provide physical access.

**Instructor:** any College member who provides credit or non-credit instruction for any course.

**Member of the college community:** any student, faculty, administrative or staff member of the college, member of the public serving in a recognized capacity for the college, guardian of an underage student acting on behalf of the student, and employee of an agency contracted by the college.

**Notice:** Written notice delivered by any reasonable means.

**Quasi-judicial procedure:** a formal institutional process for hearing complaints and alleged contraventions of college policies or regulations, which results in a resolution based upon a balance of probabilities and, where appropriate, enforceable sanctions.

	<p><b>Reasonable:</b> moderate and fair in the circumstances.</p> <p><b>Sanctions:</b> a punishment or penalty imposed as a result of violating a policy or regulation.</p> <p><b>Sexual Violence:</b> A broad term that describes any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This violence takes different forms including sexual harassment and sexual assault.</p> <p><b>Student:</b> any individual admitted to, and enrolled in, any college course(s) or program(s).</p> <p><b>Unaffiliated:</b> status of an adjudicator who has not had a prior involvement or is not in a potential conflict of interest in hearing the case.</p>
<b>Related Information:</b>	<ul style="list-style-type: none"> <li>• <a href="#"><u>Academic Calendar</u></a></li> <li>• <a href="#"><u>Canadian Charter of Rights and Freedoms</u></a></li> <li>• <a href="#"><u>Freedom of Information and Protection of Privacy Act</u></a></li> <li>• <a href="#"><u>Post-Secondary Learning Act</u></a></li> <li>• <a href="#"><u>Student Judicial Affairs Policy</u></a></li> </ul>
<b>Related Documentation:</b>	<ul style="list-style-type: none"> <li>• <a href="#"><u>Complaint Report Form</u></a></li> </ul>
<b>Next Review Date:</b>	January 2021
<b>Revision History:</b>	<p>November 2012: (replaces Standard Practice 2.20: Student Code of Behaviour)</p> <p>August 2013: update for document links and branding</p> <p>December 2013: update for procedure administrator and links</p> <p>November 2014: update for document links</p> <p>December 2015: revised (This procedure replaced part of The Code of Student Conduct: Academic Integrity and Non-Academic Misconduct Procedure)</p> <p>January 2018: updated</p>