

Non-Academic Misconduct Policy

Questions regarding this policy should be directed to the Policy Administrator.

Effective Date:	February 26, 2020	Cross Reference:	Student Rights Policy Academic Integrity Policy CCAA Operating Code ACAC Operating Code Code of Conduct Policy Sexual Violence Policy Student Athlete Handbook Athletic Eligibility and Consent Single Student Residence Code of Conduct Substance Use Policy Academic Misconduct Policy
Policy Owner:	VP Academic	Appendices:	Appendix A: Letters
Policy Administrator:	Office of the Registrar		
Approver:	Executive Committee		
Review Schedule:	Every 4 Years		

1. Policy Statement

Keyano College is committed to sustaining a vibrant learning environment for all members of the Keyano community, where each member is in turn committed to the values of mutual respect, honesty and personal responsibility. Students who compromise these values by committing non-academic forms of misconduct will be subject to discipline according to this policy, and consistent with the principles of natural justice and procedural fairness. No individual will be an ambassador or public representative for the College with a record of unbecoming conduct.

2. Background

Policy development included a review of existing policies and procedures within the College as well as a review of other College policies. The policy was reviewed by Faculty and the Student Association and approved at Academic Council.

3. Policy Objective

The purpose of this policy is to provide clear guidelines on student behaviour. This policy defines the standards of student behaviour, the consequences of non-compliance with those standards and the processes for determining and addressing non-compliance.

4. Scope

This Policy applies to all students of Keyano College.

5. Definitions

5.1 Collaborative Students

Collaborative Students are students who complete their studies at the Keyano College Campus, but are taking degree programs through partner post-secondaries such as University of Alberta, Mount Royal University or NAIT.

5.2 College

College refers to all campuses and properties of Keyano College.

5.3 College Community

College Community means individuals who are directly connected to any College activities and initiatives and includes all Employees, Students, Contractors and Volunteers.

5.4 Defamation

Defamation is the act of damaging the good reputation of someone; slander or libel.

5.5 Dignity

Dignity is the right of a person to be valued and respected for their own sake and to be treated ethically.

5.6 Discrimination

Discrimination is an action or decision that treats a person or a group badly. The reasons, or grounds, are protected under the Human Rights Act. Grounds include: race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, disability, genetic characteristics, and a conviction for which a pardon has been granted or a record suspended. (*Canadian Human Rights Commission*)

5.7 Experiential Learning

Experiential Learning is the placement of a student in a community supported learning environment. These would include practicum placements, on the job training and co-op placements.

5.8 Harassment

Harassment is a form of discrimination. It includes any unwanted physical or verbal behaviour that offends or humiliates. Generally, harassment is a behaviour that persists over time. Serious one-time incidents can also sometimes be considered harassment.

5.9 Integrity

Integrity is the quality, characteristic, or behavior of an individual or organization when acting in accordance with the moral values, standards and rules accepted by Keyano College.

5.10 Keyano Housing

Keyano Housing includes all housing units owned and operated by Keyano Housing.

5.11 Non-Academic Misconduct

Non-Academic Misconduct is broadly defined as any behaviour that:

- Adversely affects the learning of others or the college's educational mission;
- Violates civil or criminal statutes;
- Threatens the safety or well-being of members of the Keyano College Community, and/or
- Violates the ethical standards set by professional associations or the workplace standards set by practicum, clinical or volunteer placement agencies.

5.12 Retaliation

Retaliation is to hurt someone or do something harmful to someone because they have done or said, or are perceived to have done or said, something harmful to you.

5.13 Safety

Safety is a state in which, or a place where, one is safe and not in danger or at risk.

5.14 Student

Student is defined as anyone who is currently enrolled in a credit and/or non-credit course at the College.

5.15 Vandalism

Vandalism is deliberate destruction or damage to public or private property.

5.16 Violence

Violence is the use of physical force so as to injure, abuse, damage or destroy.

5.17 Weapon

Weapon means anything used, designed to be used or intended for use

- In causing death or injury to any person, or
- For the purpose of threatening or intimidating any person.

6. Guiding Principles

6.1 Examples of Misconduct:

Any of the following activities is considered an offence against the Policy, and the student is subject to appropriate penalties and disciplinary procedures if in violation of the Policy. The list of offences is not intended to be exhaustive.

- Disruption of the Learning Environment including classrooms, laboratories, study areas, the library, and Experiential Learning Placements in the community.
- Exercise of force on any person or property or the threat of force.
- Verbal assault, abusive or offensive language, defamation, discrimination, retaliation, or harassment towards others.
- Sexual assault or sexual harassment (See the Sexual Violence Policy).

- Dissemination of malicious material which creates a climate which hinders or prevents the full participation of another person in the Keyano College Community.
 - Unauthorized entry into college facilities, including housing.
 - 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 any member 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 licence to possess such items.
 - Evidence of consumption of alcohol or other substances that impair behaviour or academic performance or adversely affect members of the Keyano College Community (See Substance Use Policy).
 - Failure to adhere to College policies or instructions of College personnel who are enforcing College policy, including refusing legitimate requests to produce identification or refusing to obey emergency procedures.
 - Violations of civil or criminal statutes where 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.
 - Misconduct that breaches provincial or federal legislation.
- 6.2 Every student of the College is expected to review and make him/herself familiar with the matters addressed in this Code. In addition, every student is responsible for reviewing various other policies and procedures relating to his/her enrolment at the College which can be found on the College's website. Every student is expected to adhere to these policies and to encourage other students to do the same.
- 6.3 Apprenticeship students are responsible to review and become familiar with the sections that pertain to them in the Government of Alberta, Apprenticeship and Industry Training Board "Apprenticeship General Operations Guide".
- 6.4 Collaborative students are responsible to review and become familiar with the sections that pertain to them in the applicable documents at the collaborative institution. Examples: University of Alberta's Code of Student Behaviour, Mount Royal University's Code of Student Conduct, and The Northern Alberta Institute of Technology's (NAIT) Student Rights and Responsibilities Policy.
- 6.5 Students in Keyano Housing are responsible to review and abide by the Student Family Residence Code of Conduct or Single Student Residence Code of Conduct, as applicable.
- 6.6 Students participating in events or activities at the Syncrude Sport & Wellness Centre are responsible to review and abide by the general facility rules and regulations.

- 6.7 Students of Huskies Athletics are responsible to review and abide by the Student Athlete Code of Conduct and all accompanying sport specific rules, including the operating codes of the Alberta College Athletic Conference (ACAC) and Canadian Collegiate Athletic Association (CCAA).
- Student-athletes are expected to act at all times with integrity when interacting with other athletes, coaches, volunteers, officials, athletic administrators, CCAA board of directors, conveners and staff and public, in person or online.
 - Student-athletes must maintain the highest standards of personal conduct and support the principles of fair play.
 - Student-athletes shall be responsible to ensure that they are not involved in any activities which may result in the theft, or misuse of, or damage to, property of host institutions, hotels or public/private carriers.

6.8 Reprisals and Sanctions

- a. Individuals will not take any action in Reprisal against a Complainant or any individual who has co-operated in an investigation of a Disclosure. An individual who is found to have taken action in Reprisal may be subject to disciplinary action up to and including termination of employment, expulsion from the College or termination of any other relationship they have with the College. Disciplinary action will be taken in accordance with the provisions of any applicable Collective Agreement.
- b. Any individual who believes they may be the subject of Reprisal should notify the investigation lead.
- c. Any individual who is found to have made a frivolous or vexatious Complaint may be subject to disciplinary action up to and including termination of employment, expulsion from the College or termination of any other relationship they have with the College. Disciplinary action will be taken in accordance with the provisions of any applicable Collective Agreement. A Complaint made in good faith that is not substantiated is not a frivolous or vexatious complaint.

7. Roles & Responsibilities

The Student Code of Conduct Policy is not intended to be a legal contract between the students and the College and it cannot override any collective agreement or other legally enforceable contract where there is conflict. In the event that any of the procedures conflict with policies of the Board of Governors, the policies would prevail.

The following responsibilities pertain to all students regardless of race, religious belief, colour, gender, gender identity, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.

STAKEHOLDER	RESPONSIBILITIES
President	Approve and formally support this policy.
Vice-President Academic	Oversee the implementation of this policy.
President's Council	Ensure all staff understand they have a Duty to Report Integrity Violations. Ensure the policy is reviewed in all courses where it is applicable.
Registrar	Administer the Policy. Assemble and lead Special Cases Committee.
Student	Be familiar with this policy. Ignorance is not an excuse.

8. Policy Management

Policy Title:	Non-Academic Misconduct Policy
Approval Date:	February 26, 2020
Effective Date:	February 26, 2020
Historical Review Dates:	N/A
Next Review Date:	February, 2024
Related Legislation:	Post-Secondary Act
Supersedes Policies:	<ul style="list-style-type: none"> • 2.10 – Student Rights & Responsibilities; • Student Code of Conduct
Monitoring/Frequency:	4 Years
Policy Owner:	VP Academic
Policy Administrator:	Office of the Registrar
Policy Coordinator:	EA to the VP Academic

Non-Academic Misconduct Procedure

Questions regarding this policy should be directed to the Policy Administrator.

Effective Date:	February 26, 2020	Appendices:	Appendix A: Letters
Procedure Owner:	Office of the Registrar		
Approver:	Executive Committee		
Review Schedule:	Every 4 Years		

1. Overview

1. This procedure is intended to:
 - a. Outline a response plan for breaches to the Student Code of Conduct Policy;
 - b. Provide methods for evaluating incidents on a case by case basis; and
 - c. Outline supports and interim measures for students.

2. Procedures

Reporting Procedures:

1. Where possible, incidents involving non-academic misconduct should be resolved informally. If this is not possible and/or if there is a concern for safety or security for any members of the Keyano College community, the incident should be formally reported to Campus Security.
2. If a Keyano faculty member, staff member or security deems that unacceptable behaviour has occurred or is occurring, he/she should discuss the matter with the student(s) involved (as long as they feel safe and unthreatened) and request that such behaviour be stopped.
3. A written report should be submitted to the employee's supervisor and Campus Security outlining the particulars of the incident and the resolution process.
4. If a supervisor or Campus Security receives a report, they will forward that report to the Registrar.

Response to the Report:

1. The Registrar will evaluate the report and determine the course of action. These steps are not sequential and the response will be based on the severity of the incident.
 - a. Information sharing will be on a needs-to-know basis. Upon being apprised of the situation, the Registrar will make a determination for communication and may choose to contact any of the following:
 - i. RCMP
 - ii. Executive
 - iii. Executive Director of Human Resources
 - iv. Director of Communications and Marketing
 - v. Manager, Tenant Services
 - vi. Director of Facilities
 - vii. Manager of Health Services
 - viii. other

2. Information gathering will be initially conducted by the Registrar to determine the appropriate level of response.
 - a. As deemed necessary by the Registrar, information will be gathered from
 - i. The respondent
 - ii. Witnesses; and/or
 - iii. The injured individual(s).
 - b. As deemed necessary by the Registrar, immediate safety measures will be put in place.

3. Response Level:
 - a. Low Level Response
 - i. The decision will be made by the Registrar.
 - ii. A record of the incident will be kept:
 1. A note will be placed in the Student Information System, outlining the incident and the follow up, and/or
 2. A letter may be placed on the student file.
 - iii. The student will receive an email summary of the decision and follow-up.
 - b. Medium Level Response
 - i. The Registrar will establish a Special Cases Committee comprised of at least two other individuals.
 1. The Dean of the program of the respondent.
 2. Related departments such as housing, facilities, etc.
 - ii. The committee will investigate the incident and determine an outcome.
 - iii. A record of the incident will be kept.
 1. A note will be placed in the Student Information System, outlining the incident and the follow up, and/or
 2. A letter may be placed on the student file.
 - iv. The student will receive an email summary of the decision and follow-up.
 - c. Maximum Level Response
 - i. RCMP may be contacted to lead their own investigation.
 - ii. Safety measures will be evaluated and put in place.
 - iii. The Executive will be apprised of the situation.
 - iv. An investigation determination will be made including the Registrar and Executive Director of Human Resources to determine whether an external investigator is required. Investigation will be completed by:
 1. A Special Cases Committee; or
 2. An external investigator.
 - v. The outcome will be determined by a Special Cases Committee based on the investigation.
 - vi. A record of the incident will be kept.
 1. A note will be placed in the Student Information System, outlining the incident and the follow up, and/or
 2. A letter may be placed on the student file.
 - vii. The student will receive an email summary of the decision and follow-up.

4. **Restorative Conferences:** when possible, restorative Conferences will be used to respond to student code of conduct breaches. This choice can only be made available when trained personnel

are available. Particularly in the case of an Indigenous student, every effort will be made to include community Elders. (Appendix to be added when Keyano College employee is trained in Restorative Conferences.)

- 5. Consequences:** depending on the specific nature of the offense and other relevant circumstances, penalties may range from a verbal reprimand to expulsion from the College, and may involve legal action. The following consequences are not meant to be exhaustive and a combination of consequences may be applied, depending on the breach.
- a. **Warning:** Written warning informing student that continuing or repeating a non-academic offense may result in further disciplinary action.
 - b. **Keyano Service:** Prescribed service to the Keyano community commensurate with and appropriate to the specific violation(s) of the Student Code of Conduct.
 - c. **Counseling:** The student will be required to attend a set number of prescribed counseling sessions. The confidential information in the counseling sessions will not be shared, however, there would be confirmation of completion of requirements.
 - d. **Training or Rehabilitative Programming:** The student will complete prescribed training or rehabilitative programming.
 - e. **Restitution:** Monetary reimbursement for damage to, or destruction of, Keyano property or property of a third party(s), which may be accompanied by the requirement of a formal apology. The student's academic record will contain a notation until such time as the student has made full restitution.
 - f. **Probation:** The release of an offender from detention, subject to a period of good behaviour under supervision.
 - g. **Restriction of Privilege:** Formal limitation imposed upon the use of specific Keyano facilities (including but not limited to the SSWC, classrooms, computer labs, library, and/or parking lots) for a prescribed period of time.
 - h. **Suspension:** Temporarily prohibited from being on College premises and obtaining other college related services until the designated suspension period has elapsed or until the prescribed conditions deemed necessary by the College to terminate the suspension have been met by the student. Once the period of suspension is over the student may reapply to his/her program or apply to any other program for which they are eligible at Keyano College. A Student who is suspended from the College will have it noted on his/her Keyano College transcript for a period of time decided by the Dean, in consultation with the Registrar. The transcript notation will specify suspension due to non-academic misconduct.
 - i. **Expulsion:** Permanently prohibited from being on College premises and obtaining any college related services. A student who is expelled from the College will have it noted on his/her Keyano College transcript for a period of time decided by the Dean in consultation with the Registrar. The transcript notation will specify expulsion due to non-academic misconduct.
 - j. **Administrative suspension:** may be enacted. The purpose of administrative suspension is to ensure a safe environment as well as to limit interactions to allow for investigation. If it is determined to enact an administrative suspension, it would be in place during the entire time of the investigation and up until a decision is reached. Once a decision is reached, the consequence of that decision will replace the administrative suspension.

- a. Respondents will be completely restricted from all Keyano College property unless expressly invited for a meeting.
 - b. A Trespass Order for all Keyano College property could be enacted.
 - c. Access to Keyano email will be suspended.
 - d. Course completion accommodations may be made when deemed appropriate. Students will be suspended from all classes until the investigation is complete.
 - e. If the investigation reveals that in the balance of probabilities the incident occurred and that the Student Code of Conduct Policy was breached, depending on the specific nature of the offense and other relevant circumstances, penalties may range from restriction of privilege to expulsion or termination.
- 6.** Communication: students will receive an email to their Keyano email account. The email will contain a brief summary of the breach, links to the relevant policies, links to appeal procedures and all relevant documents, such as copies of letters on file.
- 7.** Record of Information: The Registrar is required to keep an investigation file. The file will be compiled and be available within one (1) day of an appeal being filed.

4. Definitions

4.1 Injured Individual

Injured Individual is a person harmed or injured as a result of an event or action.

4.2 Letter of Appeal

Letter of Appeal is a letter written by the student to the Vice-President Academic to address one of the following concerns with the investigation:

- a. new information is presented,
- b. concern that the principals of natural justice were not met, or
- c. concern that the principals of procedural fairness were not met.

4.3 Principles of Natural Justice

Principles of Natural Justice is ensuring a fair decision is reached by an objective decision-maker.

4.4 Procedural Fairness

Procedural Fairness is concerned with the procedures used by a decision-maker, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a procedure.

4.5 Respondent

Respondent is the individual alleged to have violated this policy.

4.6 Restorative Conferences

Restorative Conferences are a practice that can be used to respond to wrongdoing, conflicts and problems. Conferences give an opportunity to speak and listen to one another in an atmosphere of safety, decorum and equality.

4.7 Special Cases Committee

Special Cases Committee is a committee convened to review a breach of policy.

4.8 Witness

Witness is an individual who observed or participated in events which may fall under this Policy.

5. Exceptions

Provincial and Federal statutes will supersede all Keyano policies. Any breach or suspected breach of those statutes will be referred to RCMP for investigation.

6. Appeal Procedure

1. Requesting an appeal

- a. Within five (5) business days of receiving the written decision, the student must write a request for appeal to the Vice-President of Academics (VPA). The letter should contain all pertinent information as well as new information to the case. An appeal will only be considered if
 - i. there is new information gathered,
 - ii. there is concern that the principles of natural justice were not met, or
 - iii. there is concern that the principles of procedural fairness were not met.
- b. One or more of these concerns must be addressed fully in the appeal letter, with evidence to support the claim.

2. Responding to the appeal – Vice-President Academics (or designate)

- a. As soon as possible and but not later than five (5) business days from receiving the Letter of Appeal, the VPA will respond in writing to indicate the decision on the appeal. The decision will be based upon the VPA reviewing evidence from the hearing as well as relevant student records. The VPA may choose to interview the respondent, the injured parties, the witnesses or other relevant people prior to making a decision.
- b. The VPA will determine if the appeal has merit by determining which of the three factors require further investigation:
 - i. New evidence is present.
 - ii. Principles of natural justice are in question.
 - iii. Procedural fairness is in question.
- c. If the student is unable to make a case for any of these three factors, the VPA will inform the student in writing that the request for appeal is denied.
- d. If the appeal request is upheld, the hearing must be held within ten (10) business days of receiving the appeal request from the student.

3. Appeal Review

- a. If the VPA determines that one of the three factors above requires further investigation, an appeal review will take place. Within three (3) working days an Appeal Review Committee will be struck. The Appeal Review Committee will be comprised of:
 - i. VPA or designate (chair of committee)

- ii. Dean from an unrelated school
- iii. Faculty member from an unrelated school
- iv. Unrelated student representative appointed by Student Association Keyano College (SAKC)
- v. The VPA may choose to appoint an additional person as official note-taker. The note-taker does not have an active role in decision making.

- b. Access to investigation information will be made available to all parties prior to the hearing.

4. Appeal Hearing

- a. The VPA will inform the student and the Appeal Review Committee of the date of the hearing, as soon as possible, giving at least 48 hours notice.
- b. The student must request for any representatives to attend the hearing and must give at least 24 hours notice. The VPA will determine eligibility of representatives to attend and will respond in writing to the student's Keyano College email address with a decision on eligibility. Representatives can offer support and advice, but cannot speak on behalf of the student.
- c. The format of the appeal hearing will be determined by the VPA but may take the form of
- d. Statement from the student.
- e. Questions to the student from the committee
- f. Witness statements
- g. Other, as deemed appropriate by the VPA.

5. Communication of Hearing Results

- a. Within two (2) days of completing the Appeal Hearing, the VPA will inform the student, in writing, of the results.
- b. VPA will provide a letter to the Registrar for filing in the student file.

6. Further Appeals

- a. The Appeal Committee's decision is final and binding. Further appeals will not be accepted.

8. Procedure Management

Procedure Title:	Student Code of Conduct Procedure
Approval Date:	February 26, 2020
Effective Date:	February 26, 2020
Historical Review Dates:	
Next Review Date:	February, 2024
Related Legislation:	Provincial and Federal Statutes Canadian Human Rights Act
Parent Policy:	Student Code of Conduct
Policy Owner:	Office of the Registrar
Policy Administrator:	Vice-President Academics
Policy Coordinator:	Executive Assistant to the Vice-President Academics

Appendix A: Example of Letter of Non-Academic Misconduct Decision

Date

Student Name and Address

Student ID#

Dear *(Student)*:

In accordance with Keyano College's Student Code of Conduct, it has been determined that you committed an act of non-academic misconduct. In particular, you *(describe the incident, including all evidence presented, including the names of any witnesses or individuals who provided evidence)*.

As per our Student Code of Conduct Policy, Keyano College is committed to sustaining a vibrant learning environment for all members of the Keyano community, where each member is in turn committed to the values of mutual respect, honesty and personal responsibility. Students who compromise these values will be subject to discipline consistent with the principles of natural justice and procedural fairness. No individual will be an ambassador or public representative for the College with a record of unbecoming conduct.

The consequence for this offence is *<specify disciplinary action to be taken>. <Specify conditions/criteria related to continuation of study or re-admission if suspended.>*

Sincerely,

(Name of Registrar)

Registrar

cc: Dean, School of (VPA)

Example of Letter to Student advising him/her of Appeal Review Committee Meeting

Date

Student Name and Address
Student ID#

Dear *(Student)*:

On behalf of Keyano College, I am writing to acknowledge receipt of your letter of <date> appealing your suspension from the < Program>.

As per Keyano College's Academic Integrity Policy (copy attached), an Appeal Review Committee will meet to hear your case on, <date>, at <time>. Please report to <room > on that day so you may present your case.

As outlined in the procedure, you are entitled to be present during the presentation of the case against you. You are also entitled to have witnesses to the alleged offence speak to the Appeal Review Committee. If you wish to submit documentation for review by the Appeal Review Committee, please do so by <time> on <date>. New evidence cannot be presented at the hearing. The Appeal Review Committee's decision will be final and binding.

Please confirm your attendance and whether or not you plan to have witnesses present by phoning my assistant, *(Assistant name)*, at *(Number)* before 4:30 pm on <date>.

Sincerely,

(Name of Vice President Academic)

Vice President Academic
Attachment