

NON-ACADEMIC MISCONDUCT PROCEDURE

Procedure Section & Number:		Effective Date:	January 19, 2023
Policy Owner:	Vice President Academic	Last Revised:	November 5, 2021
Policy Administrator:	Registrar	Review Scheduled:	November 5, 2021
Approver:	Executive Committee		
<i>The official controlled version of this document is held with the Policy & Procedure Coordinator.</i>			

A. PROCEDURES

This procedure outlines a response plan for breaches to the Student Code of Conduct Policy, Non-Academic Misconduct Policies or other applicable policies. It provides methods for evaluating incidents on a case-by-case basis and outlines supports, interim measures and required outcomes including the potential withdrawal or expulsion of the student.

1. REPORTING PROCEDURES:

- 1.1 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.
- 1.2 If a Keyano College Community member deems that unacceptable behaviour has occurred or is occurring, they should discuss the matter with the student(s) involved (as long as they feel safe and unthreatened) and request that such behaviour be stopped.
- 1.3 If a Mental Health Coordinator (employee) makes the determination that the student they are seeing is at risk of harming themselves or others, they will also refer to the At-Risk Student Procedure.
- 1.4 A written report by a student should be submitted to the Director of Student Services outlining the particulars of the incident.
- 1.5 A written report by an employee should be submitted to the employee's Supervisor and Manager of Security Services outlining the particulars of the incident and the resolution process if applicable.
- 1.6 If a Supervisor or Campus Security receives a report, they will forward that report to the Director of Student Services.

2. RESPONSE TO THE REPORT:

- 2.1 The Director of Student Services 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. Legal support may be sought for information gathering and evaluation of the response level.

- a. Information sharing will be on a need-to-know basis. Upon being apprised of the situation, the Director of Student Services will make a determination for communication and may choose to contact any of the following including a referral for legal support as necessary:
 - i. RCMP
 - ii. Executive
 - iii. Executive Director of Human Resources
 - iv. Registrar
 - v. Director of Communications and Marketing
 - vi. Manager, Tenant Services
 - vii. Manager, Security
 - viii. Director of Facilities
 - ix. Manager of Health Services
 - x. Manager of Wellness and Accessibility Services
 - xi. Others as deemed necessary

- b. Information gathering will be initially conducted by the Director of Student Services to determine the appropriate level of response.
 - i. As deemed necessary by the Director of Student Services, information will be gathered from:
 - The respondent
 - Witnesses; and/or
 - The injured individual(s)
 - Mental Health Coordinator (for assessment of student's mental health)
 - ii. As deemed necessary by the Director of Student Services, immediate safety measures will be put in place.

3. **RESPONSE LEVEL:**

The determination of the Response level will be made by the Director of Student Services in consultation with legal support as needed.

3.1 Low Level Response

- a. A record of the incident will be kept:
 - i. A note will be placed in the Student Information System, outlining the incident and the follow up.

3.2 Medium Level Response

- a. The Director of Student Services will establish a Special Cases Committee comprised of at least two other individuals.
- b. The committee will investigate the incident and determine an outcome.
- c. A record of the incident will be kept.
 - i. A note will be placed in the Student Information System, outlining the incident and the follow up

3.3 Maximum Level Response

- a. RCMP may be contacted to lead their own investigation.
- b. Safety measures will be evaluated and put in place in consultation with other departments as needed.
- c. The Executive will be apprised of the situation.
- d. An investigation determination will be made including the Director of Student Services and Executive Director of Human Resources to determine whether an external investigator is required. Investigation will be completed by:
 - i. A Special Cases Committee; or
 - ii. An external investigator.
- e. The outcome will be determined by a Special Cases Committee based on the investigation.
- f. A record of the incident will be kept.
 - i. A note will be placed in the Student Information System, outlining the incident and the 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.

- 5.1 **Warning:** Written warning informing student that continuing or repeating a non-academic offense may result in further disciplinary action.
- 5.2 **Keyano service:** Prescribed service to the Keyano community commensurate with and appropriate to the specific violation(s) of the Student Code of Conduct.
- 5.3 **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.
- 5.4 **Training or rehabilitative programming:** The student will complete prescribed training or rehabilitative programming.
- 5.5 **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.
- 5.6 **Probation:** The release of an offender from detention, subject to a period of good behaviour under supervision.

- 5.7 **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.
 - 5.8 **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 their 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 their Keyano College transcript for a period of time decided by the Dean, in consultation with the Director of Student Services. The transcript notation will specify suspension due to non-academic misconduct.
 - 5.9 **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 their Keyano College transcript for a period of time decided by the Dean in consultation with the Director of Student Services. The transcript notation will specify expulsion due to non-academic misconduct.
 - 5.10 **Requirement to withdraw due to mental health evaluation:** If the student receives a safety plan from a Crisis Health Worker or a Mental Health Coordinator from Wellness Services, that cannot be upheld in the student's current situation (housing, available supports etc.) the student may be required to withdraw from Keyano College with defined conditions for their return.
 - 5.11 **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 Director of Student Services is required to keep an investigation file. The file will be compiled and be available within one (1) day of an appeal being filed.

8. 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.

9. APPEAL PROCEDURE:

9.1 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.

9.2 Responding to the appeal – Vice-President Academic (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.

9.3 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 several or all of the following:
 - 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.

9.4 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
 - i. Statement from the student
 - ii. Questions to the student from the committee
 - iii. Witness statements
 - iv. Other, as deemed appropriate by the VPA

9.5 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 Director of Student Services for filing in the student file.

9.6 Further Appeal

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

B. DEFINITIONS

(1)	College:	Means Keyano College.
(2)	Employee	means an individual who is engaged to work for the College under an employment contract.
(3)	Health Services	Means the department at the college that provides health-related support to students. Includes a Nurse Practitioner and administrative support.
(4)	Injured Individual	Means a person harmed or injured as a result of an event or action.

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| (5) | Members of the College Community | means individuals who are directly connected to any College activities and initiatives, and it includes all Employees, Students, contractors and volunteers. |
| (6) | Letter of Appeal | Means a letter written by the student to the Vice-President Academic to address one of the following concerns with the investigation: <ul style="list-style-type: none"> 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. |
| (7) | Principles of Natural Justice | Means ensuring a fair decision is reached by an objective decision-maker. |
| (8) | Procedural Fairness | Means 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 |
| (9) | Respondent | Means the individual alleged to have violated this policy. |
| (10) | Restorative Conferences | Means 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. |
| (11) | Safety Plan | means the plan created by Wellness Services (or Mental Health Crisis Support staff at the Northern Lights Regional Hospital) and the Student with the potential to keep the Student safe if they are at risk of self-harm. |
| (12) | Special Cases Committee | Means a committee convened to review a breach of policy. |
| (13) | Student | means an individual registered in a credit course or program of study at Keyano College |
| (14) | Wellness Services | means the team at the College that provides mental health supports to Students |

(15) **Witness**

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

C. RELATED LEGISLATION

- *Freedom on Information and Protection of Privacy Act (FOIP)*

D. RELATED DOCUMENTS

- Keyano College Academic Integrity Procedure
- Keyano College Accommodations for Students with Disabilities Procedure
- Keyano College At-Risk Student Procedure
- Keyano College Student Athlete Code of Conduct
- Keyano College Sexual Violence Procedure
- Keyano College Student Rights Procedure
- Keyano College Non-Academic Misconduct Policy

E. REVISION HISTORY

Date (mm/dd/yyyy)	Description of Change	Sections	Person who Entered Revision (Position Title)	Person who Authorized Revision (Position Title)
Not Available	New	ALL	Student Services	Vice President Academic
10/08/2021	Updated Policy to include students who are at risk of harming themselves or others.	Section A : 1.3 (p) Section B: (11)	Manager of Wellness and Accessibility Services; Director of Student Services	Vice President Academic
11/05/2021	Update template.	ALL	Manager of Wellness and Accessibility Services; Director of Student Services	Vice President Academic



Procedure

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 Director of Student Services)
Director of Student Services

cc: Dean, School of (VPA)



Procedure

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