Non-Academic Misconduct Policy

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Classification
Governance

Approval Authority
General Faculties Council

Implementation Authority
Vice-Provost (Students)

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Purpose

1 The goal of this policy is to provide a clear and transparent process for managing and addressing non-academic misconduct and to do so in a manner that is centralized and follows the principles of natural justice.

The primary objective is to ensure that appropriate Student behaviour is maintained in a diverse educational environment.

Scope

2 The Policy applies to unacceptable conduct of any Student (all undergraduate and graduate students as well as postgraduate students in the Faculty of Medicine) while on the University of Calgary premises or when acting as a Representative of the University at off-campus venues and events. This Policy also applies to University of Calgary Students studying on exchange at other campuses, or attending a satellite location of the University (e.g. Downtown Campus).

In addition, the University reserves the right to take necessary and appropriate action to protect the safety and security of the campus community, including taking necessary and appropriate action in cases when a Student is accused of serious conduct, and there is a clear connection to the University of Calgary regardless of where the conduct occurred or is alleged to have occurred.

Students are expected to be individually responsible for their conduct. Any Student found responsible for violations of the Policy will be subject to disciplinary actions as outlined in the Policy, regardless of how the incident is dealt with by other policies or law(s).
In this policy:

a) “Advisor” is a person who attends a Hearing with a Student to act as a support person to him/her during the Hearing. The Advisor does not represent the Student, nor is the Advisor considered a party to the Hearing. An Advisor includes, but is not limited to, the Student Ombudsperson at the University of Calgary, a peer, a representative of the Students’ Union or Graduate Students’ Association, or a Student and Enrolment Services Peer Helper.

b) “Appeal Board” is the final committee to which Students may appeal decisions made pursuant to this policy. The Board consists of five members: one faculty member, one staff member, one Student, a vice-chairperson and a chairperson. The Board is chaired by the Vice-Provost (Students). Appeal Hearings through the Appeal Board are arranged through the Office of the Vice-Provost (Students).

c) “Associate Vice-Provost (Student Services)” is the person who will receive, review and hear allegations of misconduct and make determinations and/or recommendations under this policy. An appointed and approved delegate of the Associate Vice-Provost (Student Services) may also serve to receive, review and hear allegations of misconduct and make determinations and/or recommendations under this policy.

d) “Guest” is a person invited on to campus by a registered Student.

e) “Hearing” is the adjudication process carried out to resolve a potential violation of the Policy.

f) “Representative of the University” means a registered Student who is participating in a University-related function or event and is doing so in his/her capacity as a University of Calgary Student. A Student who is participating in a field trip, off-campus volunteer or service-learning initiative or special event hosted by the University is considered to be acting as a Representative of the University.

g) “Student” is a person who is registered in any course of study.

h) “Students-at-Risk” means any Student whose physical or mental state is such that they may be or have become a threat to themselves, others, the educational process, or the University of Calgary community in general.

i) “Students-at-Risk Evaluation Team” serves as an emergency support committee that responds to Students-at-Risk and makes decisions related to situations involving Students-at-Risk.

j) “Student Groups” are recognized Student Groups and/or groups of Student volunteers and/or groups of University Students who
publicly affiliate with one another for a specific rationale or cause.

k) “Student Host” means a person who is hosting a Guest on University premises.

l) “University” refers to the University of Calgary, and includes buildings and lands owned, leased, operated, controlled or supervised by the University.

Policy Statement 4

PREAMBLE

4.1 The University of Calgary comprises a community of Students, faculty and staff who are dedicated to furthering learning, intellectual inquiry and personal and professional development. Our community is one of education, work and living. Membership in this community implies all members act with personal integrity and in harmony with the educational goals of the institution.

4.2 The Non-Academic Misconduct Policy exists to promote the safety and security of all members of the University of Calgary community. The University views the non-academic misconduct process as a learning experience which results in personal understanding of one’s responsibilities and rights within the University environment. To this end, the Student conduct process attempts to balance an understanding and knowledge of Students and their needs and rights with the expectations of the University and larger community. All members of the University community share responsibility for ensuring a safe and secure environment and the University will take reasonable steps to ensure that all members of the community are aware of their rights and responsibilities.

4.3 In consultation with faculty, staff and Student representatives, the University has developed the following Non-Academic Misconduct Policy to ensure the safety and security of the educational, living and work environment of Students and all members of the University of Calgary community. Any actions taken by Students to directly or indirectly jeopardize the orderly functioning of the institution will be handled through the policy articulated below.

PRINCIPLES

4.4 The principles of this policy recognize that each member of our community has an obligation to treat one another with mutual respect. This policy reflects the contributions of all constituencies of the University of Calgary community. This policy is bound by the principles of procedural fairness and natural justice. Allegations of violations of this policy will be dealt with through clear communication that the behaviour is prohibited, notice of allegations, reasons for sanctions, notice of procedures, the opportunity to be heard, notice of rationale for any decision, and the right to appeal within a clearly defined appeal structure.

VIOLATIONS

4.5 The University of Calgary expects Students to maintain standards of personal integrity that are in harmony with the educational goals of
the institution and to assume responsibility for their actions; to observe the law and University regulations; and to respect the rights, privileges, and property of others.

4.6 Nonacademic misconduct includes the actions set out in 4.9 and 4.10, any of which constitutes a violation under this Policy and which are therefore subject to the sanctions outlined.

4.7 Student Hosts are responsible for the actions of their Guests while on University premises and will be dealt with under this policy for the misconduct of their Guests.

Minor Violations

4.8 Depending on the specifics of the situation and upon review of the facts, a minor violation may be moved to a major violation.

4.9 Minor violations are unacceptable actions by a University of Calgary Student or Student group that include, but are not limited to:

   a) excessive noise;
   b) engaging in communication toward an individual or group which may be considered harassment or offensive (including online communication);
   c) engaging in disruptive behaviour. Disruptive behaviour is that which disrupts or invades the rights of others;
   d) damage or destruction of property (under $500.00);
   e) misuse of library or computer resources;
   f) any unauthorized entry or presence in a University building or on University grounds;
   g) abusing or hindering the non-academic misconduct process;
   h) failure to complete a sanction for a violation of the Policy.

Major Violations

4.10 Major Violations are actions by a University of Calgary Student or Student group which endanger the safety and/or security of another individual or the University of Calgary community, or that contravene municipal, provincial or federal law. Major violations include, but are not limited to:

   a) contravening the Alberta Gaming and Liquor Act and/or the University Alcohol Policy;
   b) possessing, using, exchanging, manufacturing or selling illegal drugs;
   c) possessing, storing, using or misusing any firearm, weapon, hazardous material or explosive substance;
   d) damage or destruction of property (over $500.00)
   e) failure to comply with the direction of a Campus Security Officer or University official in the legitimate pursuit of his/her duties;
   f) hazing;
   g) sexual assault or sexual misconduct;
   h) fraud, including misuse of Student ID card or furnishing false information;
   i) vandalism, tampering, defacing or damaging property that is not
one’s own;
j) stealing or possessing property that is not one’s own without permission of the owner;
k) engaging in disruptive behaviour that involves substantial disorder and/or disruption to the operation of the University;
l) engaging in physical actions which may be considered to endanger the safety of, be considered intimidating by, and/or be considered physically abusive by the victim;
m) engaging in intimidating, threatening and/or offensive verbal or non-verbal behaviour or communication toward an individual or group;
n) tampering with fire and/or emergency equipment;
o) setting unauthorized fire(s);
p) unauthorized use of University facilities and/or equipment;
q) trespassing or attempting to fraudulently gain entry on University property;
r) publicly displaying and/or making pornographic material available anywhere on the University campus;
s) failing to follow prescribed risk management procedures;

PROCEDURES

Residence Violation Procedures

4.11 Any breaches of the Residence Services Agreement are handled by the Department of Residence, Food and Conference Services in accordance with its disciplinary procedures and sanctions. Conduct which is deemed in violation of the Residence Services Agreement may also be referred to this non-academic misconduct process by the Director of Residence, Food and Conference Services. This may result in additional outcomes for the Student.

General Provisions

4.12 Any Student reported for alleged non-academic misconduct is subject to formal procedures under this policy regardless of concurrent action or inaction of civil or criminal authorities.

4.13 Where there are questions about the application of this policy and/or related policies, they shall be determined by the Associate Vice-Provost (Student Services) in consultation with the administrators of the other policies. Where there is a conflict between two policies, or between sanctions under this policy and another University policy with respect to student non-academic misconduct, this policy and its sanctions will take precedence.

4.14 Where a Student’s conduct violates this policy and gives rise to a complaint of academic misconduct, the Student may be subject to penalties under both or either policy.

4.15 Any member of the University of Calgary community may file a complaint concerning a violation under this policy with the Office of the Associate Vice-Provost (Student Services) within three (3) working days of the incident in question. This time period for filing notice of an alleged violation may be extended at the discretion of the Associate Vice-Provost (Student Services).
4.16 A Student who is subject to this policy because a complaint has been filed against him/her is encouraged to seek advice from an Advisor in all matters related to non-academic misconduct, and may be accompanied by an Advisor to any Hearing related to non-academic misconduct. Except in exceptional circumstances which would be so defined by the Associate Vice-Provost (Student Services), a Student may not bring a parent or guardian as an Advisor to a Hearing. In addition, as the process for handling non-academic misconduct is an administrative process and is not a criminal process, Advisors may not include legal counsel except when a student is charged with a criminal offense arising from the same incident.

4.17 Every Student who has allegedly been involved in non-academic misconduct and invited to a Hearing shall be provided with, in writing:

a) a proposed date of the Hearing, including notice of the right to reschedule the Hearing within reasonable time frames;

b) a notice of the alleged violation(s), including designation of violation(s) as major or minor violations(s);

c) a summary of pertinent evidence and particulars regarding the alleged violation (which may include summaries of Campus Security reports);

d) a copy of or access to this Policy, as well as specific copies of or access to other policies which are being invoked in addressing the non-academic misconduct alleged.

Procedures for Addressing Minor Violations

4.18 A minor violation may be dealt with by the official/designate within the area or department where it occurs and the appropriate sanction as set out in this policy may be applied.

4.19 A minor Violation may also be referred to the Associate Vice-Provost (Student Services) when the University official/designate believes:

a) satisfactory resolution of minor allegations and sanctions cannot be achieved between the Student and the University official; or,

b) the same minor Violation has been repeated by the Student, or there is a pattern of disruptive conduct;

c) the action of the Student has resulted in a monetary loss to the department which must be recovered through a restitution process.

4.20 The Associate Vice-Provost (Student Services) may:

a) dismiss the matter and provide written notification to the referring official/designate and the Student of the decision within ten (10) working days; or

b) arrange a Hearing with the Student and, if satisfied that the violation has been committed, impose any of the sanctions listed in this policy. The Student may arrange to have an Advisor attend
the Hearing.

4.21 When the Student decides not to appear at a scheduled Hearing, a decision will be made in the absence of the Student based on available information.

4.22 If the Associate Vice-Provost (Student Services) determines that the issue will be dismissed without Hearing, every effort will be made to first discuss the matter with the complainant prior to informing the Student of the dismissal. If necessary, an opinion from University Legal Services will be sought.

4.23 All decisions will be communicated in writing to the Student and the referring University official/designate, within five (5) working days.

4.24 Timeframes indicated in 4.15, 4.20 and 4.23 are subject to extension only as the result of exceptional circumstances, such as absence from the office.

Procedures for Addressing Major Violations

4.25 A major violation is referred to the Associate Vice-Provost (Student Services) by the University official/designate in whose jurisdiction the incident has occurred or by the Department of Campus Security, normally within three (3) working days of the violation/incident.

4.26 The Associate Vice-Provost (Student Services) may:
   a) dismiss the matter and provide formal notification to the University official or the Department of Campus Security and the Student of the decision within ten (10) working days; or
   b) arrange a Hearing with the Student and, if satisfied that the violation has been committed, impose any of the sanctions listed below (including a recommendation for suspension, expulsion or exceptional sanction). The Student may arrange to have an Advisor attend the Hearing.

4.27 When the Student decides not to appear at a scheduled Hearing, a decision will be made in the absence of the Student based on available information.

4.28 If the Associate Vice-Provost (Student Services) determines that the issue will be dismissed without Hearing, every effort will be made to first discuss the matter with the complainant prior to informing the Student of the dismissal. If necessary, an opinion from University Legal Services will be sought.

4.29 All decisions will be communicated in writing to the Student and the referring University official/designate, within five (5) working days.

4.30 Timeframes indicated in 4.25, 4.26, and 4.29 are subject to extension only as the result of exceptional circumstances, such as absence from the office.
SANCTIONS

4.31 Sanctions may be applied independently or in combination for any single violation of this policy. Sanctions are intended to be corrective rather than punitive. Repeated and/or multiple violations of the policy will likely result in increased sanctions and/or severity of sanctions.

a) Written Warning: this warning will outline the details of the violation and warn the Student that repeated violations will result in more severe sanctions. This warning will be kept in the Student’s conduct file and a copy may be sent to the original complainant. Note that there may be instances wherein confidentiality does not allow details to be revealed to the complainant.

b) Educational Sanction: participation in educational workshops, written assignments, personal reflection paper, restorative justice process or service to the University community.

c) Restitution to the University or to the affected individual or group of individuals if monetary loss has occurred as a result of the violation.

d) Behavioural contract: This set of conditions will be developed with the Student and signed by the Associate Vice-Provost (Student Services) or the Vice-Provost (Students) and the Student. Any breach of conditions as outlined in the behavioural contract may result in additional sanctions, including suspension or expulsion from the University.

e) Fine for non-compliance: In the event that a sanction is assigned and the Student does not complete the sanction, a fine will be assigned for non-compliance. Fines for non-compliance will not exceed $125.00 (Note that one representative from each of the Students’ Union and Graduate Students’ Association will determine an appropriate fund to allocate funds collected through fines).

f) Loss of privileges: loss of privileges for a defined period of time. This may include but is not limited to library, athletics, or parking privileges.

g) Probation: Placed on probation for a specified period of time and/or until imposed conditions are met. Failure to comply with conditions specified in probationary agreement could result in additional sanctions, including but not limited to suspension or expulsion.

h) Notice of Trespass: This sanction will be assigned for major violations and denies the individual the ability to enter the University campus entirely, or the ability to enter specific buildings on the University campus, or the ability to enter the University campus at specific times (eg. after 5:00 pm and prior to 8:00 am). Individuals violating a notice of trespass may be charged by the Calgary Police Service.

i) Suspension: Loss of all academic privileges at the University for a specified period of time and/or until imposed conditions are met (i.e. completion of conditions as outlined in Behavioural Contract). A suspension for violation of the non-academic misconduct policy
will be noted on a Student’s academic transcript.

j) Expulsion: Loss of all academic privileges for an unspecified period of time. An expulsion for violation of the Non-Academic Misconduct Policy will be noted on a Student’s academic transcript.

University Temporary Suspension and Trespass Sanctions

4.32 The University reserves the right to bypass general non-academic misconduct procedures where immediate action is required because:

a) a Student’s behaviour affects other members of the community’s use and enjoyment of University privileges and facilities

b) there are reasonable grounds to believe that the safety of the community is endangered

c) there is a high potential of physical danger posed by the Student’s continued presence

d) damage to University property is likely

e) the continued presence of the Student would be disruptive.

4.33 Pending convening of a Hearing, the Vice-Provost (Students) or the President may apply a temporary University-wide suspension and trespass sanction. In cases when there is a real and present danger or high potential to cause harm posed by a Student, and the President and/or the Vice-Provost (Students) are not immediately available, the Associate Vice-Provost (Student Services), or the Director of the Department of Campus Security may impose a notice of trespass sanction whereby the Student may be excluded from the University.

4.34 Pending convening of a Hearing in residence, and in cases when there is a real and present danger or high potential to cause harm posed by a Student in residence, the Director of Residence, Food and Conference Services may impose a temporary suspension and trespass sanction whereby the Student may be excluded from the residence complex and/or any campus dining facility. The Director will provide a full report to the Vice-Provost (Students) and Associate Vice-Provost (Student Services) without delay.

4.35 Upon imposition of such temporary sanction, the Student will be excluded from campus or residence, for as long as reasonably required, in the judgment of the President, the Vice-Provost (Students), the Associate Vice-Provost (Student Services), the Director of Campus Security, or the Director of Residence, Food and Conference Services. The date of return to the University campus will be conveyed to the Student as soon as possible following the incident. Normally such notice will be provided recognizing that legal, criminal or medical interventions may restrict the University’s ability to do so.

4.36 A formal notification of Hearing will be delivered within five (5) working days of the incident. On the date/time of the Hearing, the
Student, having received proper notice of the meeting to be held regarding the incident, may only enter the University campus as authorized to attend that meeting on that day. In certain circumstances, special arrangements may be made for the Student to report to the Department of Campus Security upon arrival on campus and to be escorted to the meeting.

**Internal Process and Criminal and Civil Actions**

4.37 In most circumstances, the University will endeavour to deal with Student misconduct under this policy rather than pursuing remedy through criminal proceedings. In cases when there is real and present danger or a high potential of harm posed by the Student, Campus Security or other University officials may contact Calgary Police Service to respond to an incident. In this case, a full report of the incident will be forwarded to the Vice-Provost (Students) and the Associate Vice-Provost (Student Services).

4.38 Nothing in this policy prevents any member of the University community from proceeding with criminal or civil actions independent of any University action.

4.39 The timeframe indicated in 4.36 is subject to extension only as the result of exceptional circumstances, such as absence from the office.

**APPEALS**

4.40 Students may appeal a decision made pursuant to this policy in writing within five (5) working days of receiving a decision. The appeal must contain a copy of the decision, a full statement of grounds for appeal, the outcome sought and any supporting documentation.

4.41 The grounds for appeal are one or more of the following:

- relevant evidence that emerges which was not available at the time of the original decision; or
- there was clear evidence of bias in the Hearing or original decision; or
- the non-academic misconduct procedures were not followed and the outcome of the case might have been substantially affected by this failure; or
- the severity of the sanction imposed exceeds the nature of the violation for reasons identified by the appellant.

NOTE: dissatisfaction with the sanction imposed does not constitute grounds for an appeal.

4.42 The appeal hearing officer or Appeal Board determine whether grounds for appeal will be accepted. If grounds for appeal are accepted, appeals shall be heard as follows:

a) An official/designate within a department who serves as a
Hearing officer under this policy may have his/her decision appealed to the Associate Vice-Provost (Student Services).
b) The Associate Vice-Provost (Student Services) may have his/her decision appealed to the Vice-Provost (Students) or to the Appeal Board. The Student may choose his/her appeal body.

4.43 The body considering the appeal may, after reviewing the case:

a) Uphold the finding and/or sanction(s)
b) Reverse the decision.
c) Reverse only the sanction(s) and/or modify sanction(s), including increasing severity of initial sanction(s) assigned.
d) Determine a procedural error occurred and request that the original Hearing officer re-hear the case.

4.44 The decision will be relayed to the Student in writing within five (5) working days of the Hearing, unless the decision can be made at the time of the Hearing.

4.45 The decision of the appeal Hearing officer or Appeal Board is final, subject to a Student’s right to appeal to the Student Discipline Appeal Committee of the Board of Governors.

4.46 Timeframes indicated in 4.40 and 4.44 are subject to extension only as the result of exceptional circumstances, such as absence from the office.

STUDENTS-AT-RISK

4.47 In addition to dealing with non-academic misconduct, the University has a right and responsibility to address the conduct of a Student-at-Risk in order to protect that Student and/or members of the University community from any threat posed by their conduct. The University will always seek to balance the rights of the Student-at-Risk with the rights of members of the University community when governing the conduct of a Student-at-Risk.

4.48 Addressing the conduct of a Student-at-Risk can pose unique challenges to the University wherein that Student has a disability or diagnosis that is contributing to the "at-risk" behaviour. The University acknowledges that it has a duty to accommodate a Student with a disability, in accordance with provincial law and University policy. Accommodation of Students with disabilities should be made in accordance with the following principles: respect for dignity, individualized accommodation, inclusion and full participation. The Student has a corresponding responsibility to make full disclosure of his/her disability and to cooperate with the University in making appropriate accommodation for him/her, including advising University officials of the need for accommodation, cooperating with University officials in the accommodation process, and providing medical or other requested information relating to the disability and the required accommodation.
4.49 The following procedures may be invoked in addition to, or as an alternative to managing Student behaviour and conduct under the non-academic misconduct process.

**Students-at-Risk Evaluation Team**

4.50 The Students-at-Risk Evaluation Team will be used to provide a coordinated response and support to the Student-at-Risk. Protocol for dealing with Students-at-Risk may differ depending on the level of threat posed by the Student-at-Risk, and is described in the Process and Procedures for Responding to Students-at-Risk, as set out below.

**Process and Procedures for Responding to Students-at-Risk**

4.51 Observance of behaviour that suggests a Student is at risk should be reported to the Director of University Security. This report, along with any prior reports related to the Student and his/her conduct, will then be forwarded to the Associate Vice-Provost (Student Services).

4.52 Normally, within three (3) working days of receiving a report of a Student-at-Risk, the Associate Vice-Provost (Student Services) will call a meeting of the Students-at-Risk Evaluation Team to review the report and to make a determination of the level of risk.

4.53 In extenuating circumstances, an intervention, including but not limited to ensuring the Student-at-Risk receives immediate counseling or medical attention will be arranged prior to calling a meeting of the Students-at-Risk Evaluation Team.

4.54 Response to the situation is normally based on the level of threat, as outlined below.

4.55 **Level 1 threat** means that there is no clear, immediate threat at present and no known occurrence of misconduct, but the conduct of the Student-at-Risk creates a reasonable fear/concern that a threat may exist in the future and misconduct may occur.

4.56 If the committee determines that a Student's behaviour is assessed as a Level 1 threat, the Associate Vice-Provost (Student Services) will arrange a meeting with the Student within five (5) working days. Possible outcomes for Level 1 threat behaviour include but are not limited to: an offer of appropriate support and/or referral, and/or campus behavioural contract, and/or imposed limits on presence on campus.

4.57 **Level 2 threat** means that there is no clear, immediate threat at present but misconduct has occurred and the conduct of the Student-at-Risk creates a reasonable fear/concern that a threat continues to exist and further misconduct is likely to occur.

4.58 If the committee determines that a Student's behaviour is assessed as a Level 2 threat, the Associate Vice-Provost (Student Services) will arrange a meeting with the Student as soon as
possible, but in any case, within five (5) working days. The Students-at-Risk Evaluation Team will determine on a case-by-case basis if the Student should appear before the entire Evaluation Team for this meeting, or if a meeting with the Associate Vice-Provost (Student Services) will suffice. Possible outcomes for Level 2 threat behaviour include but are not limited to: those outlined under Level 1 and/or referral of the case through the non-academic discipline process in accordance with this policy.

4.59 **Level 3 threat** means that there is a clear, immediate threat at present, which triggers the University's duty to warn and to take action to protect the Student-at-Risk and/or others.

4.60 If the committee determines that a Student's behaviour is assessed as a Level 3 threat, the committee will first determine whether interim conditions and measures are required to address any immediate threat, including temporary trespass and suspension. The Associate Vice-Provost (Student Services) will arrange a meeting with the Student and the Students-at-Risk Evaluation Team within three (3) working days. Assessment of a Level 3 threat may trigger the University's duty to warn and to take action to protect the Student-at-Risk and/or others. The University reserves the right to share information regarding the Student-at-Risk in order to address the immediate threat and the Student's behaviour. Possible outcomes for Level 3 threat behaviour include but are not limited to: those outlined under Levels 1 and 2, and/or involuntary leave or withdrawal from the University.

4.61 Note that in certain circumstances, the ability to define the level of threat may be beyond the expertise of the Students-at-Risk Evaluation Team, or of the professional staff at the SU Wellness Centre. In this instance the Student may be required to undergo assessment with specialists independent of the University. The Associate Vice-Provost (Student Services) may impose a sanction of temporary trespass and suspension until such evaluation is completed.

*Temporary Suspension Prior to Meeting*

4.62 The Director of Campus Security, the University President or the Associate Vice-Provost (Student Services) may authorize a temporary suspension of a Student-at-Risk until a meeting can be arranged if they believe there is a risk of harm to self or others.

*Involuntary Leave and Withdrawal*

4.63 Involuntary leave is defined as involuntary physical removal from campus for a period of time specified by the Associate Vice-Provost (Student Services) or the Students-at-Risk Evaluation Team. Involuntary withdrawal includes involuntary physical removal from campus and academic withdrawal from the University. Involuntary withdrawal requires consultation with University Legal Services and approval from the University President. Involuntary withdrawal may last for one academic term or longer. Involuntary leave or withdrawal is not pursued as a punitive step, but may
coincide with sanctions for Student misconduct.

**Decision Notification**

4.64 For those cases that are deemed a level one or two threat, decision notification will follow procedural timelines outlined in this policy.

4.65 If a Student is placed on involuntary leave or withdrawal, he/she shall be notified of that decision by the Associate Vice-Provost (Student Services), together with the terms and conditions associated with the involuntary leave or withdrawal. A copy of the letter will be included in the Student's conduct record in the Office of the Associate Vice-Provost (Student Services). The Director of any University department with an interest in the decision will also be copied on the letter (as deemed necessary and appropriate). Where involuntary withdrawal is invoked, the Student-at-Risk will be prevented from re-enrollment for the duration of the involuntary withdrawal. In some cases, if the Student-at-Risk is receiving medical or psychological care from a member of the SU Wellness Centre, arrangements will be made to continue treatment for a defined period of time. Upon notification of involuntary leave or withdrawal, the Student-at-Risk will also be provided with information on return to campus procedures.

**Return to Campus Procedure for Involuntary Leave**

4.66 Following an involuntary leave, the Student-at-Risk must apply in writing to the Associate Vice-Provost (Student Services), in order to return to campus. The application will require the following in order to be considered: evidence that all terms and conditions associated with the involuntary leave have been met, evidence that all current outstanding disciplinary sanctions have been completed, and, if applicable, an assessment and treatment plan, completed by appropriate treating medical professional(s). The Associate Vice-Provost (Student Services) will provide completed applications and accompanying documentation to the Students-at-Risk Evaluation Team to consider. During the review process, the Evaluation Team may require the Student to provide additional or more recent documentation from treating medical professional(s). If the application is approved, the Students-at-Risk evaluation team will develop a Return to Campus Management Plan. The Associate Vice-Provost (Student Services) shall review the Return to Campus Management Plan with the Student.

**Return to Campus Procedure for Involuntary Withdrawal**

4.67 Following an involuntary withdrawal, the Student-at-Risk must apply in writing to the Associate Vice-Provost (Student Services) in order to return to campus. The application is due no later than sixty (60) days before the Student's anticipated return to campus. The application will require the following in order to be considered: evidence that all terms and conditions associated with the involuntary withdrawal have been met, evidence that all current outstanding disciplinary sanctions have been completed, and a treatment summary completed by appropriate treating medical
professional(s). The Associate Vice-Provost (Student Services) will review the completed application and accompanying documentation and forward for the consideration of the Students-at-Risk Evaluation Team. During the review process, the Evaluation Team may require the Student to provide additional, more recent documentation from treating medical professional(s). If the application is approved, the Students-at-Risk Evaluation Team will develop a Return to Campus Management Plan. The Associate Vice-Provost (Student Services) shall inform the Student, in writing, as to whether the application has been approved and, if approved, shall review the Return to Campus Management Plan with the Student. This will normally be completed within thirty (30) days of the anticipated return to campus date.

Return to Campus Management Plan

4.68 When a Student has received approval to return to campus following involuntary withdrawal, the Students-at-Risk Evaluation Team shall prepare a Return to Campus Management Plan that outlines any terms and conditions of the Student's return to campus and any support services required. The Associate Vice-Provost (Student Services) will review the plan with the Student and obtain agreement. A designate from the Students-at-Risk Evaluation Team will implement the Return to Campus Management Plan with the Student and monitor the Student's transition back to campus. The person monitoring the Return to Campus Management Plan shall regularly report the Student's progress back to the Students-at-Risk Evaluation Team. The Return to Campus Management Plan may also include the disposition of any outstanding non-academic discipline matters and/or sanctions.

Eligibility for Appeal

4.69 Students may appeal the decisions made under the Process and Procedures for Responding to Students-at-Risk under the appeal guidelines set forth in this policy.

Administration of the Policy

Authority and Amendments

4.70 Amendments to the Non-Academic Misconduct Policy must be recommended to the Vice-Provost (Students), who oversees the administration and implementation of the policy. Any changes must be first authorized by the Vice-Provost (Students) and then brought to General Faculties Council (GFC) for approval. The policy will be reviewed after twelve (12) months and every two (2) years thereafter and will include input from Students, staff and faculty who are involved in the administration of the policy.

Appeal Board

4.71 Appeal Board Hearings always serve as a final appeal authority for Students who are found in violation of this policy. Except in exceptional cases wherein the Board is hearing an appeal of the Vice-Provost (Students), the Vice-Provost (Students) will serve as Chairperson of this Board and will call meetings as necessary. In the event that the Vice-Provost (Students) must be excused from
chairing Appeal Board Hearings, the Vice-Chairperson of the Appeal Board will be appointed to Chairperson for the Hearing.

4.72 The Executive Assistant of the Vice-Provost (Students) will serve as administrator for all Board Hearings.

**Non-Academic Misconduct Policy Records**

4.73 Records of charges and sanctions, other than suspension or expulsion, will not be placed in Student academic records. Records of all decisions, including charges and sanctions, will be maintained as part of the confidential records maintained by the Offices of the Associate Vice-Provost (Student Services) for a period of up to five years after the Student graduates or ceases to be a Student. Reports and statistics compiled by the Associate Vice-Provost on the nature and number of cases and outcomes, including sanctions, will not include identification of individual Students. Records of charges that are dismissed will be sealed and kept for a period of one (1) year after the incident date and will be destroyed after one year. Records may be released as required by law.

**Reporting**

4.74 An annual report detailing types of cases heard and actions taken under this policy will be provided to the General Faculties Council.

**Responsibilities**

### Appeal Board

**Approval Authority** –
- ensure appropriate rigour and due diligence in the development or revision of this policy.

**Implementation Authority** –
- ensure that University staff are aware of and understand the implications of this policy and related procedures;
- monitor compliance with the policy and related procedures;
- regularly review the policy and related procedures to ensure consistency in practice;
- sponsor the revision of this policy and related procedures when necessary.

### Students-at-Risk Evaluation Team

**Appendices**

6 Appendix 1: Appeal Board Composition
Appendix 2: Students-at-Risk Evaluation Team Composition

**Procedures**

7 Appeal Board Procedures
Students-at-Risk Evaluation Team Procedures

**History**

8 Approved: February 4, 2010 (GFC 515.11)
Effective: February 4, 2010
Revised: October 20, 2011 (GFC 525.11)
1. Purpose

The University of Calgary Appeal Board is the final appellate body for decisions of the Associate Vice-Provost (Student Services) and in certain circumstances, the Vice-Provost (Students) in accordance with this Policy.

2. Composition and Membership

- The Appeal Board is chaired by the Vice-Provost (Students) and a sitting Board must consist of five members; one faculty member, one staff member, one student, a vice-chairperson (determined by the Vice-Provost (Students)) and the chairperson.
- The Appeal Board will recruit up to 20 members each year, with the Students’ Union and the Graduate Students’ Association invited to participate in the recruitment process.
- The Executive Assistant of the Vice-Provost (Students) serves as the administrator to all Appeal Board hearings, but does not vote.
- Student members of the Appeal Board must be in good academic and conduct standing.
- No member may continue on the Appeal Board if found responsible for conduct which would constitute a violation under this Policy.
- The Appeal Board shall always sit with five (5) members to reach quorum.
- To avoid actual or perceived bias to the greatest extent possible, students who serve in elected roles of organizations will not be permitted to serve on the Appeal Board.

3. Selection for the Appeal Board

- The Office of the Vice-Provost (Students) will select Appeal Board members based on recommendations received through a call for nominations.

4. Rights and Duties

- Ensure the policies and procedures of the Non-Academic Misconduct Policy are followed.
- Participate fully in Appeal Board training sessions.
- Participate fully and impartially in Appeal Board hearings.
- Ensure confidentiality is maintained with regard to all hearings at all stages, and with regard to all information.
- Members who are in a conflict of interest must recuse themselves from an Appeal Board hearing as soon as the conflict is known.
- Hearings will be closed and will be kept in strictest confidence.
Notes will be kept in the Office of the Vice-Provost (Students) of all meetings and all correspondence related to the meeting, except those notes of the student and the student’s Advisor.

When necessary, hearings will be adjourned to ensure that essential information can be obtained, and will be reconvened within one week.

5. Procedures

- Hearings will include:
  - reasonable and proper notice as defined by this Policy to the parties involved of the date and time of the Appeal Board hearing;
  - a hearing by an impartial body.

- Students may be accompanied by an Advisor (as defined).

- Students will be provided with notification of the outcome of the hearing within five (5) working days* of the hearing where the decision cannot be immediately reached.

- The Chair of the Appeal Board will seek to obtain consensus, but in the absence of consensus after careful deliberation, will call a vote and the decision of the majority will be adopted.

- Participating Appeal Board members may not abstain from a vote.

- All decisions of the Appeal Board will be considered unanimous.

- Rules of evidence required in civil and criminal hearings shall not apply.

*Timeframes are subject to extension only as the result of exceptional circumstances, such as absence from the office.
APPENDIX II

STUDENTS-AT-RISK EVALUATION TEAM COMPOSITION AND PROCEDURES

1. Purpose

The University of Calgary Students-at-Risk Evaluation Team serves as an emergency support committee that responds to situations wherein a student whose physical or mental state is such that they may be or have become a threat to themselves, others, the educational process, or the University of Calgary community in general. The Evaluation Team makes decisions related to situations involving a student-at-risk.

2. Composition and Membership

- Associate Vice-Provost (Student Services)
- Director, University Security
- Director, SU Wellness Centre
- Associate Director, Counseling Services
- Representative, University Legal Services* (as required)
- Director, Residence, Food and Conference Services* (as required)
- Administrative Assistant, Student Success and Learning Support Services (administrative support; no decision-making role)

3. Rights and Duties

- Ensuring the procedures for managing students-at-risk are followed.
- Participating fully and impartially in all Students-at-Risk Evaluation Team meetings.
- Ensuring confidentiality is maintained with regard to all meetings at all stages, and with regard to all information.
- Meetings will be closed and will be kept in strictest confidence.
- Notes will be kept in the Office of the Associate Vice-Provost (Student Services) of all meetings and all correspondence related to the meeting.
- When necessary, hearings before the Students-at-Risk Evaluation Team will be adjourned to ensure that essential information can be obtained, and will be reconvened within a maximum of three working days.

4. Procedures

- The Associate Vice-Provost (Student Services) will convene a meeting of the Students-at-Risk Evaluation Team when there is a credible report from a member of the University community that a student may be at-risk. The committee will review all documentation and make a determination if: a) the student is considered at-risk, and b) the student should be managed through the Students-at-Risk process.
- The Students-at-Risk Evaluation Team will hear cases and make determinations and/or recommendations under this Policy if a student is deemed a Level 2 or Level 3 threat, as defined by this Policy.
• Hearings before the Students-at-Risk Evaluation Team will include:
  o reasonable and proper notice as defined by the Students-at-Risk procedures of the date and time of the hearing;
  o a hearing by an impartial body.
• Students-at-risk may be accompanied by an Advisor (as defined).
• Students-at-risk will be provided with notification of the outcome of the hearing within five (5) working days* of the hearing when the decision cannot be immediately reached.
• Rules of evidence required in civil and criminal hearings shall not apply.

*Timeframes are subject to extension only as the result of exceptional circumstances, such as absence from the office.