

## Student Non-Academic Misconduct Procedure

<b>Classification</b> Governance	<b>Table of Contents</b> 1 Purpose ..... 1 2 Scope ..... 1 3 Definitions ..... 1 4 Procedure ..... 3 5 Appendices ..... 8 6 Parent Policy ..... 8 7 Related Guidelines/Forms ..... 8 8 Related Information ..... 8 9 References ..... 8 10 History ..... 8
<b>Approval Authority</b> General Faculties Council	
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- 1 Purpose** The purpose of this procedure is to outline the process by which a Complaint of Student Non-Academic Misconduct will be addressed.
- 2 Scope** This procedure applies to allegations of Student Non-Academic Misconduct. This procedure does not address academic misconduct.
- 3 Definitions** In this procedure:
- a) “Academic Activities” means critical inquiry, research and learning in the pursuit of official recognition at the University. Examples of Academic Activities include:
    - i. course or program requirements;
    - ii. examinations, tests, or quizzes;
    - iii. Interactive online tutorials, or other computer-assisted instruction; and
    - iv. presentations at scholarly conferences, publications, and other research dissemination activities related to a Student’s course or program of study.
  - b) “Advisor” means an individual who, at the Student’s request, accompanies a Student to a Hearing.
  - c) “Business Days” means days that the University is open for business, excluding weekends and holidays.
  - d) “Complainant” means the person alleging Student Non-Academic Misconduct.
  - e) “Complaint” means a report alleging Student Non-Academic Misconduct.
  - f) “Disciplinary Probation” means a period of time during which a Student’s Transcript notes Disciplinary Probation. Students may continue in their program or course of studies while on Disciplinary Probation.

- g) “Expulsion” means permanent dismissal from study in a particular faculty, or at the University.
- h) “Field Stations” means any of the following University Facilities:
  - i. Rothney Astrophysical Observatory;
  - ii. Barrier Lake Research Station;
  - iii. R.B. Miller Research Station; and
  - iv. Kluane Lake Research Station.
- i) “Graduate Students’ Association” means the University of Calgary Graduate Students’ Association
- j) “Hearing” means a Student’s meeting with a Hearing Officer or Hearing Board where the Student is invited to respond to Complaints of Student Non-Academic Misconduct.
- k) “Hearing Board” means a committee established in accordance with Appendix 3: Hearing Board Composition which is authorized to address an allegation of Student Non-Academic Misconduct.
- l) “Hearing Officer” means an individual appointed to address an allegation of Student Non-Academic Misconduct.
- m) “Interim Measures” means precautionary restrictions imposed on a Respondent or a Complainant in an effort to maintain a positive, productive, and respectful learning, working, and living environment, pending the resolution of a Complaint, police investigation, or other process.
- n) “Investigator” means an individual appointed by the Student Conduct Office to investigate a Complaint.
- o) “Notice of Hearing” means a formal written communication to a Respondent to advise them of a Hearing.
- p) “Respondent” means a Student who is alleged to have committed the Student Non-Academic Misconduct described in a Complaint.
- q) “Responsible Allegation” means an allegation that:
  - i. appears to be made in good faith, or with a sound basis in fact;
  - ii. is based on alleged facts which have not been the subject of a current or previous allegation; and
  - iii. relates to conduct which meets the definition of Student Non-Academic Misconduct, and to which the Student Non-Academic Misconduct Policy applies.
- r) “Suspension” means a period of time during which a Student is prohibited from conducting Academic Activities at the University.
- s) “Student” means an individual registered in a University course or program of study at the time the alleged Student Non-Academic Misconduct occurred.
- t) “Student at Risk Team” or “SAR” means a multi-disciplinary resource team composed of University staff members that coordinates intervention and support in response to At-Risk Behaviour (defined in the Student-at-Risk Policy).
- u) “Student Conduct Office” means the University office within Student and Enrolment Services that processes Complaints.

- v) “Student Non-Academic Misconduct” means Student conduct that is disruptive to University efforts to maintain a positive, productive and respectful learning, working, and living environment, as described in 4.1 of the Student Non-Academic Misconduct Policy, including the examples described in Appendix 1: Prohibited Conduct.
- w) “Student Ombuds” means the on-campus resource offering a safe and neutral place for Students to confidentially discuss Student related issues, interpersonal conflict, academic and non-academic concerns, and other matters.
- x) “Student Record” means information about a Student’s University activities maintained by the Registrar.
- y) “Students’ Union” means the University of Calgary Students’ Union.
- z) “Threat Assessment Committee” or “TAC” means a multi-disciplinary resource team comprised of University staff members with appropriate expertise that responds to reports of actual, attempted, or threatened physical harm or grave psychological harm.
- aa) “Transcript” means the official summary of a Student’s permanent academic record at the University.
- bb) “University” means the University of Calgary.
- cc) “University Community” means individuals who are directly connected to any University activities and initiatives and includes all academic staff members, appointees, employees, postdoctoral scholars, Students, contractors, and volunteers.
- dd) “University Facilities” means all buildings and grounds, including athletic and recreational fields and Field Stations, owned, leased, or operated by the University, except for lands managed by University District Trust or University Innovation Quarter Trust.

## 4 Procedure

### Complaints

- 4.1** All Complaints will be managed by the Student Conduct Office at the University. Individuals may submit a Complaint:
  - a) directly to the Student Conduct Office in person, via phone or email, or through the online form on the website;
  - b) as part of reporting an incident to Campus Security; or
  - c) using the Confidence Line at 1-800-661-9675.
- 4.2** Complaints should include a detailed description of the incident, including (if known):
  - a) names of the Students who are the subject of the Complaints;
  - b) times, dates, and locations of the incident;
  - c) description of the alleged misconduct;
  - d) names of any potential witnesses; and
  - e) names and contact information of the Complainants.
- 4.3** A Complaint may be submitted anonymously but the Complainant should be aware that this may limit the University’s ability to address the Complaint.
- 4.4** Individuals should submit Complaints as soon as possible after the alleged Student Non-Academic Misconduct occurred. Delays in submitting a Complaint may make it difficult to appropriately address the Complaint.

- 4.5** The Student Conduct Office will evaluate a Complaint to determine whether:
- to impose any Interim Measures;
  - the Complaint is a Responsible Allegation;
  - the Complaint should be referred to the Student at Risk Team or TAC team;
  - the Complaint should be addressed in accordance with this procedure;
  - they should suggest any avenues for resolution of the Complaint without an Investigation and Hearing; or
  - the Complaint is not a Responsible Allegation and should not proceed to an investigation or attempt at resolution.
- 4.6** If requested by the Complainant, the Student Conduct Office will notify the Complainant in writing within ten (10) Business Days of receipt of a Complaint whether:
- the Complaint will be investigated;
  - the Complaint could be resolved without an investigation or hearing; or
  - the Student Conduct Office will not investigate the Complaint, nor will it suggest avenues for resolution without an Investigation or Hearing.

This timeline may be extended by the Student Conduct Office, with notice to the Complainant.

- 4.7** Where required by relevant professional codes or standards, a faculty may ask that the Student Conduct Office limit a Student's participation in specific activities.

Where applicable, a faculty will provide the Student Conduct Office with the types of Student Non-Academic Misconduct they require notice of to ensure Students' participating in specific activities related to the faculty comply with relevant professional codes or standards.

The Student Conduct Office will notify the faculty if a Responsible Allegation is received alleging Student Non-Academic Misconduct by a Student in the faculty that matches the type of conduct identified. If the faculty determines that Interim Measures are required, the faculty may advise the Student Conduct Office of any Interim Measures they would recommend.

The Student Conduct Office will make the final decision on what Interim Measures will be imposed in each case.

### **Interim Measures**

- 4.8** The Student Conduct Office may impose Interim Measures related to a Complaint. These may include:
- orders not to contact the Complainant, Respondent, or other relevant individuals;
  - orders limiting discussion of the matter;
  - restriction on access to specific University resources or University Facilities;
  - separation from the academic, living, or workplace situations of any individuals allegedly involved in the incident; and
  - recommending trespass orders preventing access to University Facilities until the matter is resolved.

The Student Conduct Office may adjust Interim Measures, impose new Interim Measures, or lift existing Interim Measures as a Complaint proceeds. Any changes to Interim Measures will be communicated to affected individuals.

#### **Resolution without Investigation or Hearing**

- 4.9** If the Student Conduct Office, the Complainant, and the Respondent agree, the parties may attempt to resolve a Complaint without proceeding to an Investigation or Hearing. These attempts will be guided by individuals with appropriate expertise and may include:
- a) facilitated dialogue;
  - b) mediation;
  - c) conflict coaching;
  - d) practices aligned with the world view of one or more Indigenous (First Nations, Metis, and Inuit) Communities;
  - e) restorative justice practices; or
  - f) no-contact arrangements.

#### **Investigation and Hearing**

- 4.10** Complaints are confidential. Information from the Complaint will be shared with the Respondent to give the Respondent a fair opportunity to respond to the allegation of Student Non-Academic Misconduct. Where appropriate, information from Complaints may be shared with SAR, TAC, or others at the University.
- 4.11** The Student Conduct Office will determine whether an investigation is required before proceeding to a Hearing. If the matter will proceed to a Hearing without an investigation, the Student Conduct Office will advise the Respondent and provide them with a Notice of Hearing.
- 4.12** If the Student Conduct Office determines that an investigation is required, it will appoint an Investigator, under appropriate terms of reference, who will gather and review relevant information. The Investigator may conduct any interviews they deem appropriate with the Complainant, Respondent, members of the University Community, and witnesses to the alleged incident.
- 4.13** Following an investigation, the Student Conduct Office will decide whether the matter should proceed to a Hearing, the form of the Hearing. If the matter does not proceed to a Hearing, the Student Conduct Office will inform the Complainant and the Respondent.
- 4.14** If the matter will proceed to a Hearing, the Student Conduct Office will determine whether the allegation, if substantiated could warrant a serious sanction, such as Suspension or Expulsion. In such cases, the Student Conduct Office will notify the Respondent and provide the Respondent with an opportunity to indicate their preference for a Hearing Board or Hearing Officer. The Student Conduct Office will consider the Respondent's preference, and any explanation the Respondent provides before determining whether the matter will be heard before a Hearing Board or Hearing Officer.

- 4.15** If a matter is proceeding before a Hearing Board, the Student Conduct Office will appoint Hearing Board Members in accordance with Appendix 3: Hearing Board Composition.
- 4.16** The Respondent will be provided with a written Notice of Hearing that contains:
- a) notice of the alleged Student Non-Academic Misconduct;
  - b) a proposed date for the Hearing and notice of the right to reschedule within reasonable time frames;
  - c) whether the Hearing will be before a Hearing Officer or a Hearing Board;
  - d) names of the Hearing Officer or Hearing Board members;
  - e) a report or summary of the pertinent alleged facts and evidence gathered via the Complaint and any subsequent investigation;
  - f) whether existing criminal proceedings related to the same incident giving rise to the Responsible Allegation will be considered at the Hearing, and if so, the information the Student Conduct Office is aware of in relation to the criminal proceedings;
  - g) notice of the right to be accompanied by an Advisor;
  - h) contact information for the Student Ombuds;
  - i) information about wellness supports available to the Respondent;
  - j) a link to the Student Non-Academic Misconduct Policy, appendices, and any other applicable University policies;
  - k) notification of Interim Measures or confirmation of any Interim Measures that will continue pending a decision following the Hearing; and
  - l) notice that a decision will be made in the Respondent's absence if the Respondent fails to appear for the Hearing.
- 4.17** The Respondent may request, in writing, that the Hearing be set before a different Hearing Officer, or Hearing Board member(s). The Respondent will make the request as soon as possible and provide reasons for the request. The Student Conduct Office will decide whether to grant the request.
- 4.18** If the Respondent will be accompanied by an Advisor, the Respondent will provide written notice of the Advisor's attendance at least two (2) Business Days in advance of the Hearing date. If the Respondent is not able to provide two (2) Business Days' notice they may ask the Student Conduct Office to allow their Advisor to attend on short notice. The Student Conduct Office may allow the request, choose to reschedule the Hearing, or determine that the Hearing should proceed as scheduled without an Advisor present. The Student Conduct Office may require the Respondent to choose a different Advisor if the Student Conduct Office determines the Respondent's first choice would not be appropriate. The Student Conduct Office will clearly articulate the basis for any concern about the chosen Advisor, or timing of a request for an Advisor to attend.
- 4.19** Hearings are intended primarily as an educational opportunity for the Respondent to engage with the information presented and provide their understanding of the matter. During the Hearing the Respondent:
- a) will have the opportunity to respond to the Complaint;
  - b) may present any relevant evidence; and
  - c) may be accompanied by an Advisor if they provide notice in accordance with 4.18. The Advisor will not normally be allowed to speak during the Hearing.

- 4.20** The Hearing Officer, or Hearing Board, will apply a balance of probabilities standard to assessing whether the Respondent has committed Student Non-Academic Misconduct.
- 4.21** Generally, only the Respondent, their Advisor (if any), and the Hearing Officer, or Hearing Board, may attend an entire Hearing. Witnesses may attend to provide their evidence. The Student Conduct Office may grant permission, upon written request, for other individuals to attend the Hearing, if it is convinced that those individuals' attendance is appropriate, and doing so would not adversely affect the Hearing, or any of the parties' rights to privacy.
- 4.22** The Respondent will be provided with a written decision letter, including any sanction(s) applied and the rationale for the decision within ten (10) Business Days of the Hearing.
- 4.23** If requested, the Complainant may be provided with written notice as to whether the Complaint was substantiated, or not substantiated, as well as information on sanctions or Interim Measures imposed that are relevant to them.
- 4.24** The Hearing Officer, or Hearing Board, may extend timelines related to Hearing dates and decision letters with written notice to the Respondent.

#### **Sanctions**

- 4.25** Sanctions for violation of the Student Non-Academic Misconduct Policy are described in Appendix 2: Sanctions.
- 4.26** In deciding what sanction to impose, the Hearing Officer or Hearing Board will consider the Student's intention, any other instance of Non-Academic Misconduct the Student has committed, the seniority of the Student, any relevant personal circumstances, and the gravity of the offence in the context in which it occurred.
- 4.27** If the Sanction includes Suspension, the Respondent will be notified of the terms and conditions associated with their return, if any, to the University in the decision letter they receive from the Hearing Officer or Hearing Board. At the end of the specified period of Suspension, the Respondent will be eligible to return to the University provided that all terms and conditions identified in the decision letter have been met.
- 4.28** If the Hearing Officer or Hearing Board considers Expulsion an appropriate remedy, the Student Conduct Office will consult with the Vice-Provost (Student Experience), and University Legal Services, before making a recommendation to the Provost. The Provost will consider the recommendation and decide whether the Student should be expelled.
- 4.29** Should the Student Conduct Office receive evidence that the Respondent has violated the terms and conditions associated with a decision, that violation will be treated as a Responsible Allegation and addressed in accordance with this procedure.

#### **Appeal**

- 4.30** A Student who has been found to have committed Student Non-Academic Misconduct may appeal the decision in accordance with the Student Misconduct and Academic Appeals Policy.

- 4.31** A Student appealing a Suspension or Expulsion may continue to participate in Academic Activities pending appeal subject to any Interim Measures imposed in accordance with 4.21. Any Interim Measures imposed to meet professional code requirements will continue pending appeal unless the faculty that recommended those measures determines that it would be appropriate to lift them. This decision is in the sole discretion of that faculty and may not be appealed.
- 4.32** If an appeal is unsuccessful and the appeal panel decides that it is appropriate for the original date of Suspension or Expulsion to take effect, the Student will not receive credit for Academic Activities completed pending the appeal.
- 4.33** If a Student has been trespassed from University Facilities any appeal will follow standard procedures for appealing trespass orders at the University.

**Records**

- 4.34** The Student Conduct Office maintains confidential records of all Complaints, decisions, sanctions, and Interim Measures. Records will be shared only in accordance with this procedure.
- 4.35** If a Student has a documented history of any allegation of Student Non-Academic Misconduct which has not been addressed under this procedure, an indicator may be placed on their Student Record that will notify viewers to request further information from the Student Conduct Office if the Student attempts to register for a course or program of study at the University or applies for re-admission to the University. Students will be notified whenever such an indicator is placed on their file.

<b>5</b>	<b>Appendices</b>	<a href="#">Appendix 1: Prohibited Conduct</a> <a href="#">Appendix 2: Sanctions</a> <a href="#">Appendix 3: Hearing Board Composition</a>
<b>6</b>	<b>Parent Policy</b>	<a href="#">Student Non-Academic Misconduct Policy</a>
<b>7</b>	<b>Related Guidelines/Forms</b>	<a href="#">Student Non-Academic Misconduct: Incident Report Form</a>
<b>8</b>	<b>Related Information</b>	<a href="https://www.ucalgary.ca/student-services/student-conduct">https://www.ucalgary.ca/student-services/student-conduct</a> <a href="https://www.ucalgary.ca/current-students/student-services">https://www.ucalgary.ca/current-students/student-services</a> <a href="https://www.ucalgary.ca/wellness-services/helping-others">https://www.ucalgary.ca/wellness-services/helping-others</a> <a href="#">University Facilities and Field Station Maps</a>
<b>9</b>	<b>References</b>	<a href="#">Post-Secondary Learning Act</a> , SA 2003, c P-19.5 <a href="#">Trespass to Premises Act</a> , RSA 2000, c T-7
<b>10</b>	<b>History</b>	February 4, 2010      Approved and Effective. Procedure sections as part of the Non-Academic Misconduct Policy (2010-02-04, revised 2011-10-20).  December 11, 2014    Revised (GFC 552.6). Procedure sections removed from the revised Non-Academic Misconduct Policy, i.e. Student Non-Academic



Misconduct Policy (2014-12-11), and addressed in this Student Non-Academic Misconduct Procedure.

March 8, 2018	Editorial Revision. Updated “Student” definition.
November 22, 2019	Editorial Revision. Updated links.
April 8, 2021	Revised.