

Non-Academic Misconduct Information

Source: [Code of Student Community Standards](#), 2023-2024

Through the code of Student Community Standards, you will be able to understand your rights and responsibilities, as well as what happens if you are accused of non-academic misconduct behaviour(s). The following outlines the scope of the policy, how it applies to you as the student, how the process works, and the potential outcome(s).

When someone is aware of a situation involving suspected violations of the Code it should be reported to the Office of Student Community Standards (OSCS) as soon as possible following the occurrence of the behaviours. Any incidents involving imminent risk or harm are to be reported immediately to Security Services. The OSCS is responsible for reviewing and determining the appropriate process as outlined within the Code of Student Community Standards Procedures and other University policies.

****All Students engaged in the process can include a Support Person at all stages and are encouraged to seek guidance and support from trusted sources such as a Student Association Advocate, University Officials, Elders, or personal support****

Code of Student Community Standards:

Scope

The Code applies to non-academic behaviours of a Student, whether in-person, virtual, or online and occurs on University premises, involves University related property or activity such, as but not limited to, classes, events, field schools, practicum placements, research, exchanges, conferences, or Student Association activities.

Additionally, it applies if the behaviour occurs off campus whereby the behaviour has substantial connection to, or impact on, University operations or a member of the University's ability to participate in University related programs, activities, or employment. It also applies to official University social media channels.

To maintain a safe community and a fair process, the University may in certain cases be required to take action such as reporting to law enforcement agencies, the use of Interim(in the meantime) Measures, assign a third- party Investigator, and/or delay an internal investigation. The outcome of any criminal or civil proceeding does not inform the application of the Code.

Rights and Responsibilities

Students have the right and responsibility to:

- Familiarize themselves with the Code and conduct themselves in a manner that is consistent with the Code
- A fair process that maintains the principles of procedural fairness, including; a process free from bias, the ability to respond to the allegation(s), the reason(s) for a decision, and the right to appeal a decision; seek guidance and support from trusted sources such as a Student Association Advocate, University Officials, Elders, or personal supports
- Have a Support Person present at any stage of the process (including formal meetings)

- Make inquiries, register a complaint, or seek support through other internal or external administrative processes

Non-Academic Misconduct and Harmful Behaviours

Non-Academic Misconduct is behaviour that contradicts the core values and principles of the university. It is behaviour that whether it was actual, attempted, or assistance given to another student to conduct the behaviour, has a harmful effect on health, safety or rights of the members of the University community.

The following is a non-exhaustive list of behaviours that are considered to be non-academic misconduct:

Harm to Community Members- by words or by actions that can reasonably be understood to cause others to be fearful, injured, or have concern for their wellbeing, dignity and/or that impedes others from participating in University activities or practices such as:

- Impacting others with unwelcome or persistent conduct, whether written or electronic, that would be reasonably known to be unwelcome, cause harm, intimidation, bullying, coercion, or retaliation
- Impacting others from engaging in activities or performing University duties such as disrupting a learning environment or activity
- Failing to reasonably prevent or intervene when witness to a harmful act
- Obtaining, using, or distributing information or media of others, in any format, without consent that would knowingly cause harm, distress or breach of an individual(s)'s reasonable expectation of privacy
- Harming, injuring, threatening to harm, or creating a dangerous environment impacting the health and safety of others
- Limiting a person's right to express their opinions and beliefs in a respectful and civil manner
- Participating in acts of hazing or initiation whether consensual or not
- Misconduct Involving Property; behaviour that involves the misuse, destruction, alteration, or damage of University property, resources, technology and information technology platforms
- Accessing, entering, or use of an unauthorized/restricted area or equipment
- Damaging, defacing, destroying, altering, or removing University property
- Taking property or use of, and/or possession of property or material known to be stolen or taken from another without consent
- Accessing, installing or using malicious processes or software programs to gain information, interrupt services, or disrupt information technology accounts, platforms or resources
- Interfering, obstructing, or tampering with any life saving equipment or emergency procedures

Misrepresentation or Misuse of Information-behaviour that involves the misrepresentation of a person, process, or service such as:

- Misrepresenting yourself or others within an institutional process or activity
- Fabricating, duplicating, or submitting false, incomplete, misleading, or altered identification and/or information in an attempt to gain an advantage
- Failing to comply with the directions or provide identifying information when asked by a

University Official operating within the scope of their role

- Regulated and Illegal Substance use; behaviour that does not comply with the laws or institutional expectations involving controlled substances such as alcohol and cannabis, and/or illegal substances
- Failing to comply with the provincial regulations around the use, possession, and consumption of alcohol, tobacco, or cannabis
- Being impaired by a regulated substance in a manner that creates disruption, risk, or harm to self or others
- Failing to adhere with provincial regulations around the use, possession, and/or distribution of illegal substances including narcotics or prescribed drugs not prescribed to the person in possession of these drugs

Breach of Safety Standards- behaviours that are willfully unsafe in or out of an academic setting (i.e. shop, laboratory, worksite) that contravenes applicable safety procedures or institutional or provincial health and safety requirements.

- Weapons, explosives; the possession, use, or storing of items such as firearms, weapons, explosives, or chemicals including swords, ammunition, fireworks, replica weapons, knives, or wielding an object in a threatening manner

Violation of University Policies- behaviour that violates any University policy, rule, or regulation including but not limited to:

- Human Rights Policy
- Sexual Violence Response Policy
- Smoking Policy
- Workplace Violence and Harassment Prevention Policy
- Misuse of Policies or Processes; behaviours, including facilitating or encouraging others to, interfere with the administration of University policies, procedures, or rules
- Falsifying, distorting or misrepresenting information involved within a process
- Disrupting or impacting the proper participation of administrative processes
- Failure to comply with directions, decisions, or outcomes associated with University policies
- Making, or conspiring to make, vexatious, frivolous, or malicious complaints under University policies or processes

Contravention of other Laws-behaviours that contravene federal, provincial, or municipal statute, bylaw, regulation, or other laws such as participating in activities associated with gambling or failing to comply with law enforcement officers

Interim (in the mean-time) Measures

Any Report that includes an immediate, ongoing, or possible risk to others or the University will be reviewed by OSCS and Security Services to determine if and/or what Interim Measures are necessary. Interim measures are taken to protect the safety and/or wellbeing of the University Community,

including the Respondent(person identified as potentially causing the harm/violating the policy). These measures are preliminary in nature, non-disciplinary, and do not imply the individual(s) has violated the Code.

The measures include, but are not limited to:

- A requirement not to contact specific person(s)
- Limited access to spaces, programs, software, or services
- A requirement to communicate with a University Official
- Temporary removal from University properties or activities

Failure to comply with an Interim Measure constitutes a violation of the Code.

Reporting and Investigation

After a report of suspected violation is submitted, a staff member of the OSCS Office will review all of the information, see if the Code applies to the report, identify the individual the harm happened against, and decide how to engage the process stated in the Code. If the OSCS staff member decides that the Code applies to the report, they will then assign an appropriate investigator. The student who potentially caused the harm will be notified of the investigation and will be given the chance to respond.

The investigation process includes, but is not limited to:

- The interviewing of Witnesses or individuals with relevant knowledge
- The gathering and reviewing of materials and documents
- Consulting appropriate policies or procedures

The findings of the investigation will be summarized in an Investigation Findings Report and used in determining a finding of responsibility and, if warranted, the appropriate resolution(s).

Decision Maker and Resolutions

Once the investigation is complete, the assigned Decision Maker will determine whether a violation of this Code occurred.

When the Respondent takes responsibility for their behaviour(s) and/or where there was limited harm caused by the behaviours, it may be resolved by an OSCS representative or designate who will serve as the Decision Maker. The OSCS will work with the Respondent to assign appropriate resolutions below in a manner that amends the harm caused to the Complainant and/or the University Community.

Misconduct resolved in this manner may assign one or more of the following resolutions:

- Warning; a written notice outlining a breach and the need for behaviour to change
- Apology; a written or video message acknowledging responsibility and outlining corrective action
- Agreement; a mutually agreeable, written, resolution, signed by all relevant parties, outlining an action plan with set parameters and resources to support continued participation in the

University Community

- Restitution; compensation, monetary or material replacement, for damage to property
- Educational Action; participation in an opportunity to enhance learning such as a workshop, training, community service, reflective exercise, project, or other form of learning
- Assessment of Employment; a recommendation to the Human Resources Department to review a student employee's contract based on the intersection and impact of behaviour with the nature of the student's employment
- Restorative Actions; mutually agreeable resolution process for the Complainant, Respondent, and others
- Referral; the recommendation to attend, participate, or complete a service or training
- Restricted Access; a restriction limiting an individual's access to an area, service or experience associated with the University other than scheduled academic activities
- Loss of Privileges; loss of eligibility to attend, participate, or membership to a club, team, organization, or activity for an expressed period of time, including relocation or eviction from student housing
- No Contact Order; a requirement to have no contact with an individual(s), whether direct or indirect, either virtual or in person for a specified time period

If a Student(Respondent) has been found to be responsible for a violation of this Code that had a significant impact or repeated harm to the University Community or the Investigator is unable to resolve the behaviour, the Executive Director of Student Affairs will serve as the Decision Maker may resolve the Report with the implementation of one or more of the above resolutions and/or one or more of the below resolutions

Cases where the Investigator is unable to resolve the incident and/or where the behaviours caused significant or repeated harm to the University Community, the Decision Maker and may resolve the Misconduct by assigning one or more of the following:

- Course(s) Deregistration; being withdrawn from a single or multiple courses at the University which may include a partial or total loss of fees and/or grade
- Program Deregistration; being withdrawn from a University program which may include a partial or total loss of fees and/or grades
- Removal of a University Appointment; loss of eligibility to have or continue to have University appointments such as employment, varsity status, or an internal University based award, scholarship, or bursary
- Suspension; a temporary prohibition of enrollment, of up to three (3) years, which may include a loss of student privileges
- Suspensions may result in a notation on a student's transcripts for the duration of the suspension
- Suspensions may include a partial or total loss of fees and funds and associated grades and may include conditions associated with the return to the University
- Expulsion; a permanent prohibition of enrollment which includes a complete loss of student privileges.

Expulsions may result in a notation on a student's transcripts for up to five (5) years. After the required time has elapsed, an expelled student may apply to the Student Appeal Committee for the removal of the notation on the transcript.

Appeals

A Student who has been found responsible for a breach of the Code may request an appeal of the decision to the Student Appeal Committee as outlined in the Student Appeal Policy and Procedures

Prepared by the Student Advocacy Resource Centre, 2023-2024

☐ 403-440-8779 ☐ advocacy@samru.ca

