|  |
| --- |
| Non-Academic Misconduct Procedure |
| Effective Date | April 25, 2024 | Procedure Type | Academic |
| Responsibility | Provost and Vice-President Academic | Parent Policy | Student Rights and Responsibilities Policy  |
| Approver | Deans’ Council | Appendices | Appendix 1: Examples of Non-Academic MisconductAppendix 2: Student Complaint FormAppendix 3: Student Rights and Responsibilities Committee |
| Review Schedule |  As needed |

# **Purpose**

# The purpose of this procedure is to outline the process of a Student Non-Academic Misconduct.

1. **Student Non- Academic Misconduct Procedure**
	1. Determine level of threat: When it is determined that a student poses a threat to campus security or the safety of any person on campus, the Polytechnic reserves the right to take immediate and necessary action. The threat may result from activities or behaviour that occurred on or off-campus (e.g. field trips).

The Provost and Vice President Academic (or delegate) will follow up with the appropriate Department Chairperson and Dean(s) thereafter.

* 1. Notification of Non-Academic Misconduct:
		1. Common Areas: Any individual witnessing non-academic misconduct in common areas of the Polytechnic or during polytechnic-related activities should report the incident to the Dean of Students. If an individual does not feel safe, they will contact Campus Security or the local RCMP who will follow up with the Dean of Students.
		2. Residence: Non-academic misconduct that takes place in NWP residences is initially managed by the Manager of Residence in accordance with the Residence Handbook. The Dean of Students, in consultation with the Coordinator of Residence, will determine if further non-academic disciplinary action is appropriate.
		3. Athletics: Non-academic misconduct that takes during NWP Athletic activities team is initially managed by the Coach in accordance with the Athlete Handbook. The Dean of Students, in consultation with the Coach, will determine if further non-academic disciplinary action is appropriate
		4. Academic Setting: Non-academic misconduct in academic settings is initially managed by the Academic Staff/Supervisor of the student(s). If the Academic Staff/Supervisor does not feel safe in dealing with the misconduct, they will contact Campus Security or the local RCMP who will follow up with the Dean of Students. If the Academic Staff/Supervisor feels safe in dealing with the misconduct, they will notify the Dean of Students of the non-academic misconduct.
	2. Disciplinary Action: There are two levels of Disciplinary Action for Non-Academic misconduct dependent on the scope of the incident.
		1. Level 1 disciplinary action(s) are handled by the Dean of Students and can include, but are not limited to:
			1. Verbal warning
			2. Written warning
			3. Non-academic probation or restitution
		2. Level 2 disciplinary action requires an investigation into the incident.
		3. The Dean of Students in consultation with the Director of Human Resources will gather information including but not limited to a detailed description of the alleged incident, who is alleged to have engaged in it, witness(es) to the incident(s), supporting documentation and when and where the incident occurred.
		4. Based on this investigation, the Dean of Students will determine the appropriate disciplinary action. Level 2 disciplinary action(s) can include but are not limited to:
			1. Removal from the learning environment or an activity
			2. Required to withdraw
			3. Suspension or expulsion
	3. Formal Communication to Student: The Dean of Students sends written notice of the allegation to the student. The notice includes non-academic misconduct details and consequences. The written notice is copied to the Registrar and placed on the student’s file.
	4. The student may appeal the disciplinary action following by delivering the Student Complaint Form to the Dean of the program on or before the tenth (10th) business day after the appellant receives the written decision.
		1. The Dean of the program has the authority to deny an appellant permission to appeal where the Dean of the program determines that the appeal is being brought solely due to the appellant’s dissatisfaction with the decision. The Dean of the program will communicate in writing to the appellant the rationale in deciding to dismiss an appeal.
	5. Student Rights and Responsibilities Committee: If the Dean of the program grants an appeal, the process will follow the procedures of the Student Rights and Responsibilities Committee.

# **Appendix 1: Examples of Student Non-Academic Misconduct**

Non-Academic Misconduct: means behaviour on property-owned, leased or operated by the Polytechnic, or on any endeavours during Polytechnic-related activities such as field trips, that violates explicitly stated Polytechnic rules and regulations, or a Federal, Provincial or Municipal statute, regulation or by-law.

Student non-academic misconduct includes but is not limited to:

1. providing false or misleading information to Polytechnic officials or on official Polytechnic records or altering or tampering with such official records;
2. theft, malicious destruction, damage or injury to property;
3. appropriating for the student’s own use property which is not the student’s own without the consent

of the owner or person legally responsible for such property;

1. possession, use or distribution of any illegal substance;
2. unauthorized consumption, possession or distribution of alcoholic beverages;
3. unauthorized entry into, or use of, Polytechnic facilities;
4. failure to comply with directions of Polytechnic administrative officers or Academic Staff within the purview of their authority when they are carrying out their normal duties;
5. conduct which causes injury to a person and/or damage to Polytechnic property and/or the property of any member of the Polytechnic community;
6. bullying, violence or threat of violence, harassment, sexual violence, stalking, hazing and/or any other unacceptable behaviour or language (on campus, in classrooms, online or while using computers, at events, on trips, etc.).

# **Appendix 2: Student Complaint Form**

|  |
| --- |
| **STUDENT COMPLAINT FORM*****STUDENTS RIGHTS AND RESPONSIBILITIES POLICY*** |

**All students will be notified within two (2) business days that a complaint has been received.**

|  |  |  |  |
| --- | --- | --- | --- |
| **Last Name** | **First Name** | **Student ID** | **Today’s Date** (MM-DD-YYY) |
| Enter Last Name | Enter First Name | Enter Student ID#. | Click or tap to enter a date. |
| **Phone** | **Phone 2** | **Email** |
| Enter phone number. | Enter alternate phone number. | Enter email. |

|  |
| --- |
| **Nature of Complaint** |
|[ ]  Student Rights Violation: Please specify the student right(s) being violated. |
|[ ]  Academic Grievance: Please specify course name. |
|[ ]  Academic Misconduct Decision Appeal |
|[ ]  Non-Academic Misconduct Decision Appeal |

|  |
| --- |
| Students are encouraged to discuss their concerns and complaints via informal conferences with the appropriate administrator or Academic Staff member. |
| Have you attempted to resolve your complaint? [ ]  Yes [ ]  No |
| If yes, please provide any evidence of resolutions steps (include dates, times, names, etc.):Click or tap here to enter text. |
| Summarize the nature of your complaint using factual information in your narrative. You may attach an additional sheet of paper if needed:Click or tap here to enter text. |
| Specify the outcome being sought:Click or tap here to enter text. |
| Should you have any additional comments, please attach a separate sheet to this form.  |
| ***I hereby declare the information on this form is correct, true, and complete to the best of my knowledge. I understand that any misrepresentation of the information may result in disciplinary action in accordance with the Student Rights and Responsibilities Policy.*** |
| Student Signature: | Date: Click or tap to enter a date. |

|  |
| --- |
| **For Office Use** |
| Processed by: Click or tap here to enter text. | Date: Click or tap to enter a date. |
| Action Taken/Notes: Click or tap here to enter text. |

# **Appendix 3: Student Rights and Responsibilities Committee**

1. **Purpose**
	1. The purpose of the Student Rights and Responsibilities Committee is to hear matters affecting the rights and responsibilities of a student, including Academic Grievances, Academic Misconduct Decision Appeals, and Non-Academic Misconduct Decision Appeals. The committee does not participate in matters of student rights violations.
	2. The Committee will draft a recommendation to uphold or reverse the decision and provide the Registrar with a copy.
2. **Membership**
	1. The Committee shall normally consist of five persons with an annual membership and a rotating Dean based on the division of the hearing:
		1. The Chair of the Committee shall normally be a Dean nominated by the Provost and Vice-President Academic;
		2. Two academic staff members, one selected by the Academic Staff Association and one nominated by the Provost and Vice-President Academic;
		3. Two student representatives, one selected from the Students’ Association membership at large and one nominated by the Provost and Vice-President Academic.
	2. Members of the Committee may disqualify themselves from deliberating on an issue if there are concerns about perception of bias, or if they have been involved with the issue prior to this step. Another member from the same constituency is named as a replacement.
3. **Operation**
	1. The quorum of the Student Rights and Responsibilities Committee is five.
	2. Three affirmative votes are required to uphold the decision of the Committee. All Committee members, including the Chair of the Committee, must vote.
4. **Term**
	1. The term of the Student Rights and Responsibilities Committee will be for one Academic Year.
5. **Jurisdiction of the Committee**
	1. The Student Rights and Responsibilities Committee shall hear and determine outcomes for grievances affecting the rights and responsibilities of a student, including Academic Grievances, Academic Misconduct Grievances, and Non-Academic Misconduct Grievances. The committee does not participate in matters of student rights violations.
	2. The Student Rights and Responsibilities Committee shall have no jurisdiction to hear a grievance unless the procedures outlined in the student rights and responsibilities have been followed. The informal procedures may include seeking resolution under related policies.
	3. The Committee has the right to request any Polytechnic employee or student to appear.
	4. All business of the Committee shall be conducted confidentially.
6. **Procedure**
	1. Upon receipt of a Student Complaint Form, the Dean, within five (5) business days, ensures that a Student Rights and Responsibilities Committee is formed.
	2. The Student Rights and Responsibilities Committee will meet to consider the issue presented and will strive to conclude the issue within a reasonable timeframe.
	3. Both the appellant and the respondent will be given opportunity to state their case. The Student Rights and Responsibilities Committee will invite anyone they deem necessary to present information. Written submissions or teleconference participation may be acceptable.
	4. Upon conclusion of their deliberation, the Student Rights and Responsibilities Committee shall prepare a brief summary of the information presented to it, the recommendation of the Committee, and the reasons for the recommendation. The summary and recommendation shall be signed by the Chair of the Committee and normally delivered to the appellant and respondent within five (5) business days of the conclusion of the hearing with a copy to the Registrar and Provost and Vice-President Academic. The Chair of the Student Rights and Responsibilities Committee will oversee implementation of recommendations.
		1. The recommendation of the Students Rights and Responsibilities Committee may be appealed by either party to the Provost and Vice-President Academic on the grounds of procedural error on the part of the committee or bias or discrimination against either party on the part of the Student Rights and Responsibilities Committee.
		2. The decision of the Provost and Vice-President Academic shall be final and binding.
7. **Records Management**
	1. The Student Rights and Responsibilities Committee and the Registrar will create and maintain, In confidence, the record of proceedings and outcomes. The records will be stored/destroyed as per the Records Management Policy of the Polytechnic.