

# **Non-Academic Misconduct**

*Guidebook for Students*

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# Expectations for Lethbridge College Students

This guidebook summarizes the Student Rights and Code of Conduct policy. It outlines the procedures followed when non-academic misconduct occurs and reviews:

- what non-academic misconduct is,
- what happens when misconduct is reported,
- the steps taken (and who is responsible for taking them) when it occurs, and,
- the grounds and timeline for an appeal.

The goal of student misconduct investigation and sanctioning is to arrive at the most successful outcome in a timely and procedurally fair manner while protecting the privacy of those involved.

At Lethbridge College, we strive to create a safe and healthy learning environment that respects freedom of expression and the advancement of human rights, where everyone is treated with dignity and respect.

Employees and students at Lethbridge College will demonstrate these values through their day-to-day interactions. We recognize that everyone has a role in nourishing a rich and rewarding educational environment conducive to learning and academic inquiry.

## What is Non-Academic Misconduct?

We define Non-Academic misconduct as any action that negatively impacts the learning environment. These are usually actions or behaviours that affect others, not personal actions related to academic integrity expectations.

This can include, but is not limited to, any behaviour that:

- breaches college or Workplace Integrated Learning agency policies/procedures and/or municipal, provincial, or federal laws;
- negatively impacts the learning environment; or
- threatens the safety or well-being of members of the college community.

## Examples of non-academic misconduct

Common examples of non-academic misconduct include (but are not limited to) the following:

- Disruptiveness within the college learning environment (classrooms, labs, study areas, work-integrated learning environments, online environments)
- Violent acts (these may be verbal or physical and may include abusive or offensive language, discrimination, racism, retaliation, harassment, and weapons)
- Misuse of equipment or property
- Theft
- Bullying
- Disrespectfulness to others (foul language, racism, displaying images that are in bad taste, vulgarity, etc.)
- Inappropriate behaviour in service or support areas (bookstore, common spaces, cafeteria, athletics, etc.)

- Using cannabis on campus, smoking in non-designated areas, and being intoxicated in class or common spaces or outside of approved venues (please refer to the [Alcohol, Tobacco and Cannabis policy](#) for more information)
- Attending class, WIL, or other learning activity while unfit to learn (please refer to the [Health and Safety policy](#) for more information)
- The [Gender-Based and Sexual Violence policy](#) (has its own policy and procedures)

## Non-Academic Misconduct Investigations

Upon learning of potential non-academic misconduct involving a student, Lethbridge College staff will report the incident to a conduct officer. Unless a report is clearly without merit, a conduct officer will assign an investigator to provide a timely review of the allegation based on procedurally fair principles.

### Principles of Procedural Fairness

1. Lack of bias: Decisions are unbiased and guided by consistent and transparent reasoning. This is accomplished by having a neutral party conducting the investigation.
2. Thorough and fair investigation: Procedures are consistent across individual cases and over time. Conduct officers are assigned to manage cases across all centres.
3. Objective assessment: Decision maker has no personal stake or interest in the decision outcome. Conduct officers do not report to academic centres.
4. Opportunity to respond: Individuals are given a chance to express their concerns and participate in decision-making processes by telling their side of the story.
5. Response considered: All relevant facts will be heard.
6. Evidence that supports a finding: A decision is based accurately on all available information.
7. Clear articulation of reasons: Decision maker must give meaningful reasons for the decision or the outcome.
8. Minimal delay: Investigation and decision made in a reasonable time.
9. Full record of the investigation: People interviewed, and the evidence provided will be documented.

The conduct officer will interview the respondent (the person accused of misconduct) and other witnesses to gather evidence. This evidence will be used to determine the facts of the case and provide a neutral report.

If a conduct officer has a personal interest in or association with any part of the case, they will recuse themselves, and another officer will be assigned under the direction of the dean of Student Affairs.

# Responding to a NAM allegation

The Conduct Office's mission is to promote a campus environment built upon student success. Staff members are trained to provide a fair and objective due process using a holistic approach to uphold the highest academic and behavioural standards. (As articulated in the Student Rights and Code of Conduct policy).

## Why do we have the conduct process?

The purpose of any student conduct proceeding is to determine whether a violation of college policy has or has not occurred. These proceedings are informal and not bound by the rules and procedures associated with criminal or civil court systems. That said, the privacy of everyone involved is respected; the contents of a student conduct file and any written or oral correspondence related to the conduct process are considered a part of your educational record and are protected by FOIP.

The conduct process is also an educational experience intended to:

- promote positive behaviour and personal responsibility,
- increase students' understanding of how their actions affect their community,
- enforce college policies that promote a safe learning, living, and working environment.

## Allegation letter

The respondent will receive an allegation letter to inform them that an allegation has been made against them. The letter will provide the following information:

- the alleged violation reported
- a link to the college policy
- an appointment to meet with a conduct officer to discuss the allegation

If you are a respondent and need accommodations, please notify the conduct officer after receiving the allegation letter.

## Meeting with the conduct officer

At this meeting, the respondent will have the opportunity to respond to the alleged violation, provide names of witnesses or evidence that should be considered, and understand the next steps.

Student conduct meetings are private; however, students can request a support person to accompany them during the meeting.

- A support person can be anyone not involved in the incident.
- A support person cannot speak or have a voice in the meetings.
- A support person is limited to support outside the meeting and may not present the case or make statements during the proceedings.

## What happens during the meeting?

Conduct meetings last 30 to 60 minutes. During this time:

- The conduct officer will begin by reviewing the rights and the role of the support person if you choose to have one.
- The officer will review the alleged violations and ask for and listen to your point of view.

Conduct officers are not making assumptions; this meeting is a time to gather facts. Any evidence related to this case can be presented. While listening, the conduct officer may also ask follow-up and clarifying questions and inform the respondent how they will follow up after the meeting.

If you cannot attend the scheduled meeting, you **must** contact the conduct officer who sent you the letter and arrange an alternative time, date, or venue. Failure to appear or reschedule will be seen as a lack of cooperation, and the process will continue without you. The investigation will proceed using the facts obtained through the investigation, and a decision will be made without your involvement.

## How should you prepare, and what are your rights?

Some steps you can take to prepare for your meeting with a student conduct officer are:

- Review the [Student Rights and Code of Conduct policy](#)
- Prepare any evidence that may assist your case
- Contact the Conduct Office with questions
- Inform the conduct officer if you'll be bringing a support person to the meeting

As a student going through the conduct process, you have the right to:

- a written notice of the alleged violation
- a written notice of the outcome
- appeal a decision
- request to review your case file once the conduct process is finished.

The person conducting the investigation does not impose sanctions. They will prepare and submit a report to the designated conduct officer that includes the following:

- An account of the complaint
- An overview of the process and how the investigation was conducted
- A summary of the relevant facts
- The investigator's conclusions

The investigator's report, which includes a summary of facts, a recommendation of sanctions, and the allowable grounds for appeal, will be shared with the appropriate decision-making authority by the conduct officer.

# Interim Measures

## What are interim measures?

An interim measure is used as a pause to allow sufficient time to undertake a procedurally fair process. Interim measures will typically be as minimally intrusive as possible and are not sanctions or an indication that an outcome has been pre-determined.

Pending the conclusion of an investigation, the dean of Student Affairs, their designate, or the appropriate associate dean may impose interim measures. These measures which might include offering alternate accommodations or limiting access to classes or services, may be imposed while an investigation is under review.

These measures may be issued in cases where there's a reasonable belief of a risk of harm to people or property or that college community members would be prevented from enjoying rights or pursuing activities within the college.

If there is a reasonably foreseeable and immediate risk to person or property, the Threat Assessment Team (TAT) may impose measures to ensure safety can be maintained. These measures could negatively impact the accused person. For example, not allowing the respondent to come on campus or participate in their academic responsibilities for a period of time until the completion of an investigation.

## Interim measures examples

Interim measures may include the following:

- Limiting the respondent's contact with specific individuals
- Limiting the respondent's participation in campus activities
- Requiring the respondent to check in/out with Security while on campus
- Limiting the use of Lethbridge College technology
- Adding a temporary hold to the respondent's file to restrict activity in the student system
- Exclusion of the respondent from all or part of the college campus

# Decision Making

## How are decisions reached after an investigation?

The Conduct Office will review the resolution options and consider potential sanctions following the meeting. The Conduct Office may consult with the program chair, associate dean or dean and review prior incidents before making a decision. Findings of responsibility are made by the Conduct Office by a "preponderance of the evidence," which means that most people would also come to the same conclusion based on the information available.

Whenever possible, the goal of the conduct process is to be educational and restorative. In this way, the approach focuses on remedying harm caused to an individual or a community while repairing damage done. When patterns of behaviour threaten to harm a respondent or others, alternative steps may be taken to protect people impacted by the behaviour and the Lethbridge College community.

## Who determines sanctions?

Based on the investigator's report, the conduct officer may impose a written warning sanction on a student who is found to have engaged in misconduct. Recommendations for suspension from class or programs are imposed by the appropriate dean. Recommendations for expulsion from Lethbridge College can only be imposed under the authority of the Provost and VP Academic.

## Sanctions (for Infractions)

If an investigation determines that the respondent has committed an act of non-academic misconduct, that person might be faced with sanctions (penalties).

## How are sanctions determined?

When determining appropriate sanctions, all relevant factors will be considered, such as:

- the severity of the offence
- the number and nature of previous offences
- the impact of the offence on health and safety
- the impact of the offence on the college learning or working environment
- the terms of any existing contract between the student and the college

## How are respondents notified?

The conduct officer reviewing the investigation report may deem that the investigation and discussion with the respondent is sanction enough to conclude the investigation; otherwise, a written summary will be compiled and shared with the respondent and will include the following information:

- Why the allegation was, or was not, founded
- What sanction will be imposed
- Why the sanction was determined
- Include a link to the Student Rights and Code of Conduct policy
- CC to the student's dean, conduct officer, and the registrar

\* Deemed Receipt: an email is deemed to be received two (2) hours after the time sent (as recorded on the device from which the sender sent the email).



# Possible Sanctions for Non-academic Misconduct

<b>Letter of Apology</b>	To be used when appropriate between individuals and ONLY if the complaining party agrees to such a sanction.
<b>Restrictions</b>	Loss of Privileges – denial of specified privileges or services for a designated time.
	Restricted access to defined areas of the campus for a designated time.
	Restrictions on contacting specific individuals.
<b>Restitution</b>	The student must make some form of payment to the college or other persons, groups, or organizations for damages incurred due to a violation of the Code of Student Conduct.
<b>Disciplinary Reprimand or Written Warning</b>	Indicates a student's behaviour violates the Code of Conduct. Further non-academic violations may result in more severe actions. At the discretion of the Policy Administrator, the Reprimand may include specific educational sanctions with which the student must comply.
<b>Withholding academic documentation such as transcripts</b>	When a student does not follow sanctions, this could be a consequence.
<b>Training/Education/Personal Development Seminar</b>	Participation and completion of Substance Abuse Treatment programs or other forms of educational programs aligned to assist with improving behaviour.
<b>Recommendations</b>	The Policy Administrator may also recommend (but not require) individual counselling sessions if they feel this is appropriate.

## Most Severe Sanctions

<p><b>Suspension</b></p>	<p>(Dean and above approval) The student's removal from the college for a definite period, after which the accused student is eligible to apply to return. Conditions for re-admission and registration will be specified.</p>
<p><b>Suspension Held</b></p>	<p>The student has been suspended; however, the suspension is withheld if the student agrees to undergo other alternative sanctions, such as drug testing or a suitable educational program. This is a severe sanction; any additional policy violation or breaching of the terms of the academic sanctions agreement could automatically result in suspension.</p>
<p><b>Expulsion and Issue of Trespass Notice</b></p>	<p>(Vice President Academic ONLY) A trespass warning notice would be issued for a specified period in accordance with the bylaws. Students are unable to register for future programs without specific criteria in place.</p>
<p>Any other sanction or combination of sanctions the Policy Administrator deems appropriate.</p>	

## Sanctions for Students in Residence

<p><b>Residence Suspension</b></p>	<p>The accused student is separated from the Residence for a definite time, after which the accused student is eligible to apply to return. The college must specify conditions for re-admission.</p>
<p><b>Residence Eviction</b></p>	<p>Permanent separation of the accused student from the Residence, which includes trespass order for Residence areas.</p>

# Appeal Procedures

In some cases, respondents might want to appeal decisions or sanctions. You can make an appeal through the registrar, who can call together a Student Appeal Committee on the following grounds:

- The person who made the decision or imposed the sanction lacked the authority to do so
- The process followed by the person who made the decision or imposed the sanction was procedurally unfair
- The decision made or sanction imposed is unreasonable

If a student seeks an appeal, they must submit an [appeal form](#) to the registrar **within five business days** of a decision being communicated to the respondent.

Within 10 days, the registrar will determine if the appeal will be heard or if it will be disallowed and will send notice accordingly.

The appeal hearing will be conducted within 10–15 days after the notice above has been issued. (Note: The person who made the decision will be required to supply documentation to the registrar within five days of the notice being given).

The final written decision will be circulated appropriately within 10 days of the appeal hearing.

## How can you access records of the process?

Records related to the investigation will be held in accordance with the Lethbridge College [Records Management Policy](#). Students can request their records by submitting a FOIP request to the Office of Institutional Compliance at the end of the process.

## Final Thoughts on Non-Academic Misconduct Policy and Procedures

The Student Rights and Code of Conduct Policy is related to several policies, including the Alcohol, Tobacco, and Cannabis Policy, the Health and Safety Policy, and the Gender Based and Sexual Violence Policy. Non-academic misconduct and academic performance often impact each other.

Following the process explained in this guide ensures that our approach is fair and consistent. With an unbiased procedure, students and staff can have confidence in the methods used and the resulting outcome.

Lethbridge College is a respectful campus where we are responsible for our own success and contributing to the safe and caring treatment and consideration of others. We are all Kodiaks – successful when we do our part to create a positive learning environment.

# Questions?

If you have questions, contact [conduct@lethbridgecollege.ca](mailto:conduct@lethbridgecollege.ca) or,

- [Laura Bowser](#), Manager, Residence Life & Conduct
- [Jason Lawrence](#), Emergency and Security Manager & Conduct Officer
- [Georgi MacInnis](#), Manager, Student Success
- [Lindsay Workman](#), Associate Dean, Student Affairs
- [Nancy Russell](#), Dean, Student Affairs