

# **Non-Academic Misconduct**

*Guidebook for Staff*

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# WHY DOES HAVING A NON-ACADEMIC MISCONDUCT POLICY MATTER?

Lethbridge College inspires and facilitates learning and innovation to meet economic and social needs. Our student code of conduct outlining rights and responsibilities helps us achieve our mission by holding students accountable for their actions while fostering their growth and learning. Our code of conduct applies to on-campus and campus-sanctioned activities, including the online learning environment.

This guidebook summarizes the content of the Student Rights and Code of Conduct policy and outlines the process to follow when non-academic misconduct occurs. Student misconduct investigations and sanctions aim to arrive at the most successful outcome in a timely and procedurally fair manner. At the same time, the process assures the inclusion of only those who need to know or have the authority to determine sanctions.

All Lethbridge College employees have a responsibility to report all instances of misconduct, both academic and non-academic.

This document outlines:

- how to report misconduct
- what happens when a report is made
- what steps should be taken and by whom
- what the grounds and timeline are for appealing allegations of misconduct

# 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.

Non-Academic misconduct is, but not limited to, any behaviour that:

- breaches college or 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.

Common examples of non-academic misconduct include the following:

- Disruptiveness within the college learning environment (classrooms, labs, study areas, practicum placements, online environment)
- Violent acts (verbal or physical, abusive, or offensive language, discrimination, racism, retaliation, harassment, weapons)
- Misuse of equipment or property
- Theft
- Bullying
- Disrespectfulness to others (foul language, racism, displaying images in bad taste, etc.)
- Inappropriate behaviour in service/support areas
- The use of cannabis on campus, smoking in non-designated areas, and consumption of alcohol outside of approved venues; please refer to the [alcohol, tobacco, and cannabis](#) policy for more information
- Attending classes while unfit to learn; please refer to the [health and safety](#) policy for more information
- [Gender-Based and Sexual Violence Policy](#) has distinct policies and procedures

# REPORTING NON-ACADEMIC MISCONDUCT

Contravention of the Student Code of Conduct will be referred to conduct officers through [Guardian](#), Lethbridge College's Reporting and Case Management system. Conduct officers are college employees who are trained in procedural fairness, investigations, decision making, and report writing.

When it comes to our students' success, we all have a part to play. Reporting incidents of non-academic misconduct promotes college standards, upholds health and safety, and encourages student success through proactive outreach and promoting community expectations and support.

You can assist your students by identifying and reporting issues early on. All non-academic misconduct reports submitted through Guardian will be immediately emailed to Lethbridge College's conduct officers for review and, if warranted, investigated further. Information about any case will only be shared on a need-to-know basis to support involved parties.

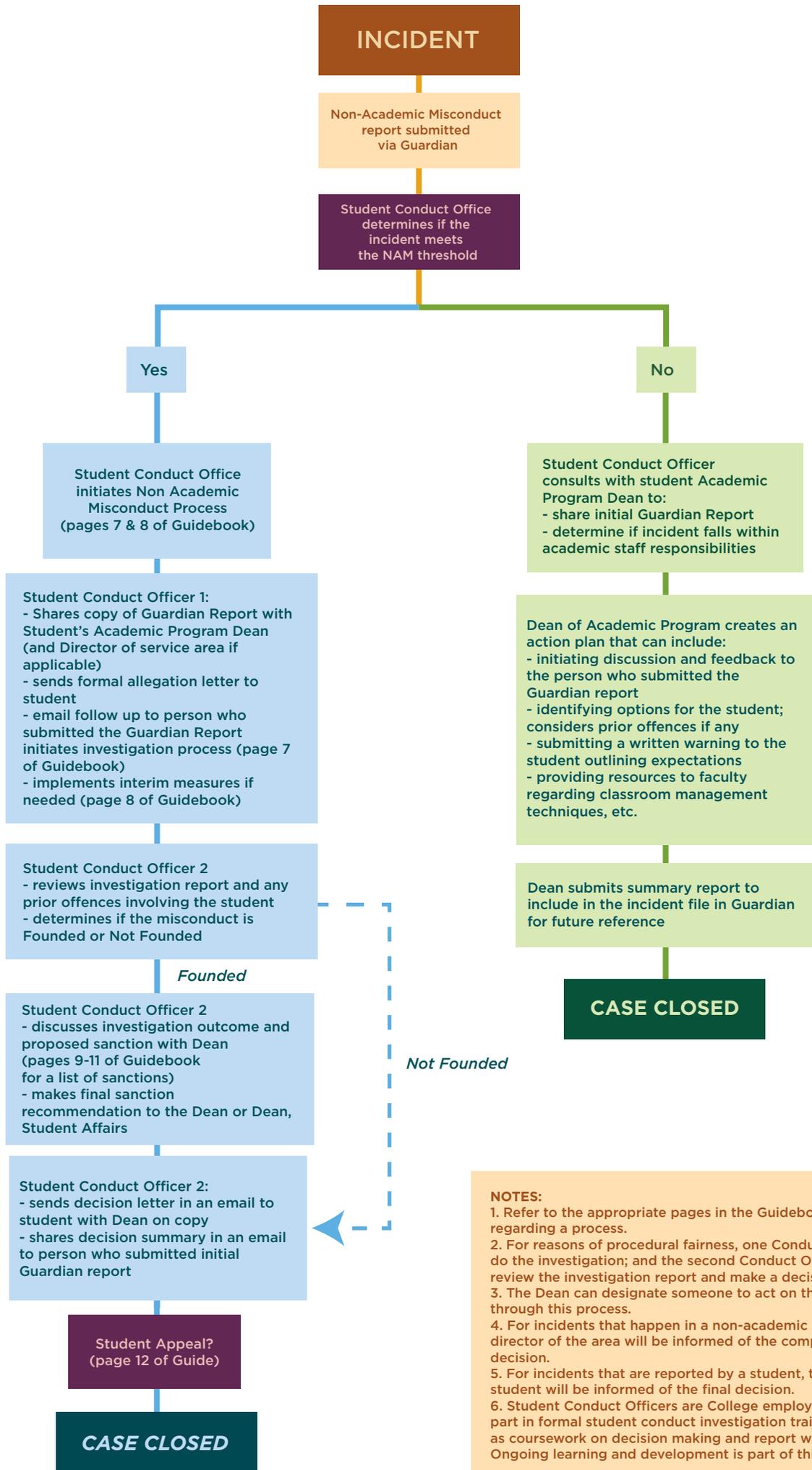
A conduct officer will contact the student(s) involved in a report of misconduct to inform them of the claim made regarding their behaviour and provide the opportunity to respond to the allegations. Students will not have direct access to the report; however, it does form part of their student record, and they can request access.

It is important to note that reporting misconduct does not replace classroom management practices. Situations that require immediate verbal sanctioning or action should be reported after the fact to keep an accurate and timely record of your interactions with students.

# PRINCIPLES OF PROCEDURAL FAIRNESS

The following principles of procedural fairness will be followed when conducting any investigation:

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.



**NOTES:**

1. Refer to the appropriate pages in the Guidebook for detail regarding a process.
2. For reasons of procedural fairness, one Conduct Officer will do the investigation; and the second Conduct Officer will review the investigation report and make a decision.
3. The Dean can designate someone to act on their behalf through this process.
4. For incidents that happen in a non-academic setting the director of the area will be informed of the complaint and decision.
5. For incidents that are reported by a student, the reporting student will be informed of the final decision.
6. Student Conduct Officers are College employees who take part in formal student conduct investigation training as well as coursework on decision making and report writing. Ongoing learning and development is part of this process.

# INVESTIGATING NON-ACADEMIC MISCONDUCT

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

The conduct officer responsible for investigating alleged misconduct will interview the respondent and other witnesses to gather evidence. This information will be used to determine the facts of a case and provide a neutral report.

If appropriate, and in extremely complex cases, the Provost and Vice President Academic may appoint an external investigator who is not a college employee to conduct the investigation. Any person who acts as an investigator may recommend sanctions, but they do not have authority to impose sanctions.

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

Students will be notified of the conduct officer's investigation of the allegation of non-academic misconduct against them. If a student does not cooperate with an investigation, the investigation will proceed using the facts that can be obtained through an investigation, and a decision will be made without the student's involvement.

Interim measures may be imposed to allow for time to complete an investigation in a safe manner.

During an investigation, the investigator will:

- a. Gather all relevant physical and digital evidence to determine if a violation of policy has occurred
- b. Provide the respondent with a summary of the allegations and/or a statement of alleged conduct
- c. Provide the respondent with an opportunity to respond to the complaint and/or alleged conduct (non-response by the respondent will be considered)
- d. Interview the complainant, the respondent and, if necessary, any witnesses
- e. Review relevant documentation

The investigator does not impose sanctions, but will prepare and submit a report to the designated conduct officer that includes:

- a. An account of the complaint
- b. An overview of the process followed and how the investigation was conducted
- c. A summary of the relevant facts
- d. 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.

Based on the investigator's report of the investigation, 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 dean of the appropriate program. The recommendation for expulsion from Lethbridge College must be imposed under the authority of the Provost and VP Academic.

Records related to the investigation will be held in accordance with the Lethbridge College [Records Management Policy](#).

## INTERIM MEASURES

Interim measures, such as offering alternate considerations or applying measures that limit access to classes or services, may be imposed while an investigation is under review.

Interim measures may be issued when the respondent's alleged misconduct is of such a nature that there is a reasonable belief that the respondent's continued participation in campus activities could create a risk of harm or danger to people or property or could prevent college community members from enjoying rights or pursuing activities within the college.

Pending the conclusion of an investigation, the dean of Student Affairs (SA), or designate, or the associate dean may impose interim measures.

If there is a reasonably foreseeable and immediate risk to person or property, the Threat Assessment Team (TAT) may impose measures to ensure safety, which may impact the accused person in a negative way. An example of this might be not allowing the respondent to come on campus or participate in their academic responsibilities for a period of time until an investigation is completed.

An interim measure is a pause to allow sufficient time to undertake a procedurally fair process. These measures will normally be as minimally intrusive as possible and are not sanctions or attempts to stigmatize individuals.

Interim measures may include:

- 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 limit activity in the student system
- Exclusion of the respondent from all or part of the college campus

# SANCTIONS (FOR INFRACTIONS)

When determining appropriate sanctions for misconduct, the conduct officer who reviews the investigation report, along with the appropriate sanctioning authority, will take into consideration all relevant factors, such as:

- The severity of the offence
- The number and nature of the student's previous offences, provided that past findings of academic misconduct shall not be considered when imposing sanctions for non-academic misconduct, or vice versa
- 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

The reviewing conduct officer 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 is to be imposed
- Why the sanction was determined
- Include a link to the Student Rights and Code of Conduct policy
- Copies will be provided 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 email originated)

Whenever possible, sanctions are meant to be corrective and educational. Learning outcomes will be connected to the specific Student Non-Academic Misconduct violation suitable to the student's personal circumstances.

- The educational value of alternative sanctions is to help students take responsibility for their actions, be accountable, and learn constructive alternatives to inappropriate behaviour.
- Sanctions are to reflect the severity of the accused student's misconduct and vary accordingly. The college may impose more than one of the sanctions listed below for any single violation.
- Future incidents will consider previous non-academic misconduct.
- Progressive sanctions can occur if the student does not follow through on or complete the applied sanction.
- Repeated or multiple breaches of the Student Rights and Code of Conduct Policy may result in more severe sanctions than would be imposed for a single violation.

## 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 is required to 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> | This could be a consequence if the student does not follow sanctions.  |
| <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

|  |  |
|--|--|
| <b>Suspension</b>  | (Dean and above)<br>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   |
| <b>Suspension Held</b>   | 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. |
| <b>Expulsion and Issue of Trespass Notice</b>  | (Vice President Academic ONLY)<br>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.  |
| Any other sanction or combination of sanctions the Policy Administrator deems appropriate. |  |

## SANCTIONS FOR STUDENTS IN RESIDENCE

|                             |  |
|-----------------------------|--|
| <b>Residence Suspension</b> | 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. |
| <b>Residence Eviction</b>   | Permanent separation of the accused student from the Residence.  |

## APPEAL PROCEDURES

In some cases, respondents may wish to appeal decisions or sanctions. Appeals can be made 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 an appeal is sought, an [appeal form](#) must be submitted to the registrar within five business days of a decision being communicated to the respondent.

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

Within 10–15 days after the notice has been issued, the appeal hearing will be conducted. (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 ten days of the appeal hearing.

## 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 Misconduct policy. Non-academic misconduct and academic performance often impact each other. The sooner we can respond to misconduct, the greater the opportunity for a positive outcome and understanding of behavioural expectations.

By following the steps above, we are building a fair and consistent process. We are careful not to take concerns and issues too far, too fast. Deans and associate deans are not needlessly implicated in cases that can be resolved without their involvement (e.g., a case that results in a reprimand letter), and all facts related to allegations of misconduct are gathered when they are required to be brought in. With an unbiased procedure in place, both students and staff can have confidence in the process and the resulting outcome. Appeals are only granted when the process has not been procedurally fair, when the severity of the sanction is unjustified, or when sanctions are imposed by an individual with no authority to do so. This highlights the importance of having a systematic approach in place.

Lethbridge College is a respectful campus where we are responsible for our own success and our contribution 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?

Contact [conduct@lethbridgecollege.ca](mailto:conduct@lethbridgecollege.ca) or

- Nancy Russell, Dean of Student Affairs, [nancy.russell@lethbridgecollege.ca](mailto:nancy.russell@lethbridgecollege.ca)
- Laura Bowser, Manager of Residence & Student Conduct, [laura.bowser@lethbridgecollege.ca](mailto:laura.bowser@lethbridgecollege.ca)
- Jason Lawrence, Emergency and Security Manager & Conduct Officer, [jason.lawrence@lethbridgecollege.ca](mailto:jason.lawrence@lethbridgecollege.ca)
- Georgi MacInnis, Manager, Student Success, [georgi.macinnis@lethbridgecollege.ca](mailto:georgi.macinnis@lethbridgecollege.ca)