

## NON-ACADEMIC MISCONDUCT PROCEDURE

<b>Procedure Section:</b>	Student and Academic Support Services	<b>Effective Date:</b>	July 1, 2025
<b>Policy Owner:</b>	Vice President Academic & Student Experience	<b>Last Revised:</b>	April 2, 2025
<b>Policy Administrator:</b>	Registrar	<b>Review Scheduled:</b>	Every 4 Years
<b>Approver:</b>	Dean's Council Academic Council		
The official controlled version of this document is held with the Legislative Compliance / Policy & Procedure Coordinator.			

### A. PROCEDURES

Keyano College supports the need for individuals alleged to have committed non-academic misconduct to be addressed promptly through a transparent, unbiased, and procedurally fair process. This procedure outlines the response plan for non-academic misconduct while considering a diverse campus community's overall wellness and support needs.

#### 1. REPORTING

- 1.1 If Keyano faculty, staff, or security deems that unacceptable behaviour has occurred or is occurring, they should discuss the matter with the student involved (if they feel safe and unthreatened) and request that such behaviour be stopped.
- 1.2 Where possible, incidents involving non-academic misconduct should be resolved informally. If informal resolution is not feasible and/or there is a concern for the safety or security of the College community, the incident should be formally reported through the **Student Conduct and Incident Reporting Form** on the College's Website.
  - a. If safety or security concerns are deemed urgent or immediate, Campus Security should be contacted directly before submission of a formal report.
- 1.3 Reports of non-academic conduct should include:
  - a. The names of individuals involved in the alleged misconduct, including any witnesses;
  - b. Times(s), date(s), and location of the alleged misconduct;
  - c. Description of the alleged misconduct;
  - d. Name and contact information of the individual(s) submitting the report.

- e. Individuals may choose to submit a report anonymously, which may limit the ability to investigate.

## **2. RESPONDING TO A REPORT**

- 2.1 The Registrar will initially gather information to determine the appropriate response level.
- 2.2 The Registrar may implement immediate safety measures as needed, including implementing an administrative suspension for any individuals involved in the incident.
  - a. Administrative suspension is a temporary state applied to a student's status for a prescribed period during an investigation. It is not a negative, adverse, or disciplinary action and is not recorded on the student's official transcript.
- 2.3 The steps in responding to an incident are not sequential and will be based on the severity of the incident.
- 2.4 The College will work with both the complainant and respondent to ensure they can receive appropriate accommodations and support.

## **3. RESPONSE LEVEL**

- 3.1 Low-Level Response
  - a. The Registrar will review the information gathered and investigate the incident
  - b. The investigation and outcomes of incidents with a low-level response will be finalized, and individuals will be notified within five (5) business days of receiving a report.
- 3.2 Medium-Level Response
  - a. The Registrar will establish a Special Cases Committee to investigate the incident, including at least two other individuals.
  - b. Relevant schools and College departments may be engaged as needed, including Committee appointment.
  - c. The investigation and outcomes of incidents with a medium-level response will be finalized, and individuals will be notified within 10 business days of receiving a report.
- 3.3 High-Level Response
  - a. Safety measures will be evaluated and put in place.
  - b. RCMP may be contacted during any part of the investigation as deemed necessary and may choose to lead their own investigation independent of the

College's investigation.

- c. The President, Vice President Academic & Student Experience, and other relevant Executive members will be apprised of the situation.
  - d. An investigation will be completed by:
    - i. A Special Cases Committee which will include the Registrar and at least two other individuals; or
    - ii. An external investigator.
  - e. In consultation with the Vice President Academic & Student Experience and the Executive Director People & Culture the Registrar will determine whether an external investigator is required.
  - f. The investigation and outcomes of incidents with a high-level response will be finalized, and individuals will be notified within 20 business days of receiving a report.
- 3.4 If the investigation and communication of outcomes cannot be completed by the deadlines noted above, the Registrar will provide written notice of the anticipated timeline to the required individuals, including the complainant and respondent.

#### **4. DECISION AND COMMUNICATION**

- 4.1 Following the investigation, the Registrar will determine on a balance of probabilities if the respondent's actions violate the *Non-Academic Misconduct Conduct Policy* or other College policies.
- 4.2 If a complainant, respondent, or witness chooses not to participate in the investigation process, the Registrar will determine the outcomes of the investigation based on available evidence.
- 4.3 Consequences of non-academic misconduct will consider the recommendations of the Special Cases Committee and/or the external investigator.
- 4.4 The Registrar will electronically send the investigation outcomes to the respondent, the complainant, and, if applicable, the reporter or other impacted individuals.
  - a. The complainant, the reporter, and, if applicable, other impacted individuals will receive an electronic high-level decision summary.
  - b. The respondent will receive an electronic letter identifying the investigation's outcomes. This letter will describe the incident, supporting evidence, any sanctions imposed and timelines, information about support services if applicable, and other relevant information.

## 5. CONSEQUENCES

- 5.1 While consequences for non-academic misconduct may involve suspension or expulsion, the goal is to provide students with an opportunity for accountability, education, growth, and reinstatement of good student standing.
- 5.2 Depending on the specific nature of the offence and relevant circumstances, penalties may range from a verbal reprimand to expulsion from the College and may involve legal action. Consequences for non-academic misconduct may include, but are not limited to, the following:
- a) Warning: Written warning informing student that continuing or repeating behaviours resulting in a non-academic offence may result in further disciplinary action.
  - b) Service: Prescribed service to the Keyano community or relevant organization corresponding with and appropriate to the specific violation(s).
  - c) Wellness Services Psychoeducational Programming: Attendance to a set number of prescribed wellness sessions. The confidential information in sessions will not be shared; however, completion of requirements will be confirmed.
  - d) Training or Rehabilitative Programming: Completing prescribed training or rehabilitative programming.
  - e) Restitution: Monetary reimbursement for damage to, or destruction of, Keyano property or property of a third party(s), which may be accompanied by the requirement of a formal apology. The student's academic record will contain a notation until such time as the student has made full restitution.
  - f) Probation: Placement under review or supervision for a proscribed period, which may include restriction of activities.
  - g) Restriction of Privilege: Formal limitation upon using specific Keyano facilities (including but not limited to any buildings on campus, classrooms, computer labs, library, and/or parking lots) for a prescribed period.
  - h) Suspension: Temporarily prohibited from being on College premises and obtaining other college-related services until the designated suspension period has elapsed or until the prescribed conditions deemed necessary by the College to terminate the suspension have been met by the student.
  - i) Expulsion: Permanently prohibited from being on College premises and obtaining College services.
- 5.3 Participation in an investigation as a complainant or witness does not exclude the College from engaging in further investigation or prescribing outcomes for participants.

## **6. RESTORATIVE JUSTICE CONFERENCING**

- 6.1 Restorative justice conferencing may be used to respond to incidents of non-academic misconduct when possible and appropriate.
  - a. Restorative justice conferencing will only be made available when trained facilitators are available.
- 6.2 When an Indigenous student participates in restorative justice conferencing, efforts will be made to include support from Indigenous organizations and communities in the process, including, but not limited to, an Elder in Residence and/or an Auntie in Residence.

## **7. RECORDS**

- 7.1 If an incident of non-academic misconduct has merit, a note of non-academic misconduct and the associated letter will be placed on the student's record.
  - a. Students who are suspended from the College shall receive a notation of Required to Withdraw added to their transcript. The transcript notation of Required to Withdraw shall be removed once the suspension ends.
  - b. Students who are expelled from the College shall receive a notation of Required to Withdraw added to their transcript.
- 7.2 The Office of the Registrar will maintain confidential records of all incidents. The file will be compiled and available within one (1) day of an appeal review request.

## **8. CONFIDENTIALITY**

- 8.1 Information regarding a report of non-academic misconduct, including the personal information of the reporter, complainant, respondent, and witnesses, shall be kept confidential to the extent possible.
- 8.2 At times, the College may be required to disclose information to internal or external parties for reasons including but not limited to:
  - a. Risk of self-harm;
  - b. Risk of harm to others;
  - c. Reporting is required by law or College policy.
- 8.3 The Registrar will notify the appropriate Dean and service areas when the sanctions of a non-academic misconduct incident impact a student's institutional standing.

## 9. EXCEPTIONS

- 9.1 Provincial and Federal statutes will supersede all Keyano policies. Any breach or suspected breach of those statutes will be referred to RCMP for investigation.
- 9.2 The College may complete an internal investigation to determine College outcomes independent of any RCMP investigations.

## 10. APPEAL PROCESS

- 10.1 Within five (5) business days of receiving the written decision, the student may request an appeal to the Vice President of Academics & Student Experience. An appeal will only be considered if information is provided to support the following:
  - a. New information is presented;
  - b. Principles of natural justice were not met; or
  - c. Principles of procedural fairness were not met.
- 10.2 Within five (5) business days of receiving a request for of appeal, the Vice President of Academics & Student Experience will respond in writing to indicate if the request for appeal has merit.
- 10.3 If the Vice President of Academics & Student Experience determines that the request for appeal has merit, an appeal review will occur. An Appeal Review Committee will be struck. The Appeal Review Committee will be comprised of:
  - a. Vice President of Academics & Student Experience or designate (Committee Chair);
  - b. Dean from an unrelated school;
  - c. Faculty member from an unrelated school;
  - d. Student Services member unrelated to the incident; and
  - e. Unrelated student representative appointed by the Student's Association of Keyano College (SAKC).
- 10.4 Individuals on the Appeal Committee will be required to sign an agreement of confidentiality.
- 10.5 The Appeal Review Committee's decision will be based on evidence and outcomes of the investigation and additional information provided in the request for appeal. The Committee may interview any individuals involved in the investigation process or named in the appeal request under the provision of new information.
- 10.6 The Vice President Academic & Student Experience will inform the student of the outcome in writing within 10 business days of the appeal request being deemed to have merit.
  - a. If the Appeal Committee's review cannot be completed by the above deadline, the Vice President Academic & Student Experience will give the student written notice of the anticipated timeline.

- 10.7 The Registrar will add the appeal request outcomes, including the letter and updates, to the student's record.
- 10.8 The Appeal Committee's decision is final and binding. Further appeals will not be accepted.

## B. DEFINITIONS

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| (1) <b>Appeal:</b>                            | means a request to senior leadership for reversal of a decision.  |
| (2) <b>Administrative Suspension:</b>         | means suspension applied to a student for a prescribed period, which may include restrictions from campus, student housing, classes, and Keyano College activities.   |
| (3) <b>Balance of Probabilities:</b>          | means an incident or actions are more likely to have occurred than not.   |
| (4) <b>College:</b>                           | means Keyano College.   |
| (5) <b>Complainant:</b>                       | means an individual who makes a complaint.  |
| (6) <b>Principles of Natural Justice:</b>     | means ensuring an objective decision-maker makes a fair and impartial decision.   |
| (7) <b>Procedural Fairness:</b>               | means a fair and transparent procedure to be used.  |
| (8) <b>Reporter:</b>                          | means an individual who submits a non-academic misconduct report.   |
| (9) <b>Respondent:</b>                        | means the individual alleged to have violated this policy.  |
| (10) <b>Restorative Justice Conferencing:</b> | means an in-person dialogue between the complainant and respondent led by a trained facilitator. The goal of the dialogue is to repair harm. Other individuals impacted by the incident and individuals providing support may also be included. |
| (11) <b>Special Cases Committee:</b>          | means a committee convened to review a breach of policy.  |
| (12) <b>Witnesses:</b>                        | means an individual who observed or participated in events which may fall under this policy.  |

## C. RELATED LEGISLATION

- *Access to Information Act (Alberta)*
- *Alberta Human Rights Act*
- *Canadian Charter of Rights and Freedoms*
- *Criminal Code of Canada*

- *Canadian Human Rights Act*
- *Protection of Privacy Act (Alberta)*

## D. RELATED DOCUMENTS

- At-Risk Student Procedure
- Gender-Based and Sexual Violence Procedure
- Non-Academic Misconduct Reporting Form
- Student Complaint Procedure
- Substance Use Procedure

## E. REVISION HISTORY

Date (mm/dd/yyyy)	Description of Change	Sections	Person who Entered Revision (Position Title)	Person who Authorized Revision (Position Title)
Not Available	New	All	Student Services	Vice President Academic
10/08/2021	Updated Policy to include students who are at risk of harming themselves or others.	Section A: 1.3 (p) Section B: (11)	Manager of Wellness and Accessibility Services, Director of Student Services	Vice President Academic
11/5/2021	Template Update.	All	Manager of Wellness and Accessibility Services, Director of Student Services	Vice President Academic
April 2, 2025	Updated format, updated language, updated process.  Previous version of Non-Academic Misconduct Procedure will be rescinded.	All	Registrar	VP Academic & Student Experience