

1.0 POLICY STATEMENT

- 1.1 MacEwan University (the “University”) is a community of scholarship dedicated to the pursuit of truth through learning, research, and service. Members of the University community live, learn, and work together in ways that fit with our collective values and standards. These values and standards include honesty, respect, fairness, openness, responsibility, and integrity. In keeping with these values, the University is committed to providing a principled and safe environment where students, faculty, and staff can engage fully and freely in academic studies, experiential learning, extracurricular pursuits, residence life, service, and scholarly and instructional work.

2.0 PURPOSE

- 2.1 This policy explains the University’s expectations for Student Non-Academic Conduct, so that all Students can understand their rights and responsibilities, make informed decisions about their behaviour, and be accountable for those decisions in a fair manner and to a fair outcome. Non-Academic Misconduct infringes upon the efforts and achievements of other students, detracts from the University’s ability to provide a safe and welcoming environment in which to learn and work, and undermines its reputation. Suspected Non-Academic Misconduct shall be investigated and resolved by the University, which may include Disciplinary Action in accordance with this policy and the associated procedure.

3.0 APPLICABILITY

- 3.1 This policy applies exclusively to the Non-Academic Conduct of Students. It does not apply to matters of Academic Integrity, which are covered by the Student Academic Integrity Policy. All Members of the University Community share responsibility for complying with and enforcing Non-Academic Conduct standards.

4.0 DEFINITIONS

Complainant

The Member of the University Community making a Complaint.

Complaint

A report that alleges Non-Academic Misconduct.

Dean

The Dean (or designate) of the School or Faculty in which the Respondent is registered. In the case of students registered in Open Studies, the Registrar will serve as Dean.

Disciplinary Action

Action taken to address established Non-Academic Misconduct in keeping with section 5.3.1 of this policy and the associated procedures.

Investigation

An investigation into an allegation of Non-Academic Misconduct led by the Student Conduct Officer or other individuals, as delegated by the Provost.

Member of the University Community

Persons involved in conducting University affairs, including all Students, employees, volunteers, contractors, and members of the Board of Governors.

Non-Academic Conduct

The behaviour of Students while engaged in University activities beyond those that relate specifically to matters of Academic Integrity.

Non-Academic Misconduct

Unacceptable Non-Academic Conduct, which undermines the orderly operations of the University or breaches any of the student responsibilities listed in Article 5.1 of this policy, including actions that endanger the health, safety, well-being, human rights, or property of others.

Respondent

Student named as the alleged wrongdoer in a Complaint submitted under this policy.

Retaliation

Any undesirable action taken against a Member of the University Community because that member has, in good faith, made an allegation against a Student, supported a Complaint, disclosed information to the University about a Complaint, and/or participated in an investigation of a Complaint.

Student

Any individual registered in any program, Ministry-approved or not, while on University premises, participating in a University activity, or representing the University, on or off campus.

Student Conduct Officer

An officer whose role includes the investigation of both academic and non-academic disciplinary matters involving students.

5.0 POLICY ELEMENTS

5.1 Student Responsibilities

5.1.1 Students will not commit Non-Academic Misconduct and will comply with the student responsibilities articulated in the Student Code of Conduct, which include the following:

5.1.1.1 Students will respect the safety, rights, and well-being of others and will not cause or threaten to cause harm to another individual, or endanger the safety of another individual through violent acts.

5.1.1.2 Students will not engage in behavior that is defined as harassment, bullying, or discrimination as defined in the Harassment policy or in behavior that is defined as sexual violence under the Sexual Violence policy.

5.1.1.3 Students will not disturb, disrupt, or otherwise interfere with the learning, work, or other activities of Members of the University Community.

5.1.1.4 Students will respect the property rights of other individuals and the University and will not cause damage or threaten to cause damage to another individual's property or the property of the University.

5.1.1.5 Students will use University property, facilities, equipment, or materials only for authorized purposes.

5.1.1.6 Students will not interfere with the operations, functions, activities, and services of the University or recognized student groups.

5.1.1.7 Students will not participate in unauthorized and/or potentially hazardous activities.

5.1.1.8 Students will comply with all University policies and all municipal, provincial, and federal laws.

5.2 Education and Training

5.2.1 The University will be proactive and take reasonable action to inform all Students about Non-Academic Conduct expectations through educational strategies and opportunities specifically designed to promote positive decision-making in typical situations where upholding Non-Academic Conduct standards may be difficult. The Associate Vice-President, Students and Teaching will coordinate this training, which will include, but not be limited to:

5.2.1.1 establishing and maintaining a web and social media presence with resources about Non-Academic Conduct; and

5.2.1.2 providing learning events for Students throughout the academic year.

5.3 University Response to Non-Academic Misconduct

5.3.1 The University will establish procedures to respond to incidents of alleged Non-Academic Misconduct, including Investigations and resolutions of Complaints, which may include decisions resulting in Disciplinary Action, and avenues for appeal of those decisions.

5.3.2 The University will establish procedures to support those persons affected by Non-Academic Misconduct, including Complainants, Respondents, and other Members of the University Community.

5.3.3 The University recognizes its responsibility to encourage reporting of incidents of Non-Academic Misconduct and to respond to Complaints in a fair, effective, and timely manner.

5.3.4 Records involving a Complainant and any subsequent Investigation of a Complaint will be kept in a secure file in the Office of the Associate Vice-President, Students and Teaching. For Complaints that are initially reported through Security Services, records will also be kept in a secure file in Security Services.

5.3.5 All persons involved in an Investigation are expected to act in accordance with University policy and applicable legislation related to privacy. Information will be shared, however, when required, including those instances where an individual is judged to be at imminent risk of harming self and/or others; there are reasonable grounds to believe

that Members of the University Community or wider community may be at risk of harm; or confidentiality would make investigation untenable, would deny due process, or would disadvantage the Complainant.

- 5.3.6 An annual report will be compiled by the Associate Vice-President, Students and Teaching containing statistics on the nature and number of Complaints, decisions, and sanctions applied. The reports will not include information that identifies specific individuals. The Provost will provide this report to the General Faculties Council and the Board of Governors.

5.4 Retaliation and False Accusations

- 5.4.1 It is unacceptable for a Student to threaten or engage in Retaliation against a Member of the University Community for:

5.4.1.1 filing, intending to file, or supporting a Complaint in good faith in accordance with this policy or associated procedures;

5.4.1.2 pursuing rights under this policy or the *Alberta Human Rights Act*; or

5.4.1.3 participating or cooperating in an investigation under this policy, associated procedure, or the *Alberta Human Rights Act*.

- 5.4.2 Any Student of the University Community who undertakes, participates in, or directs a Retaliation or who makes a report of Retaliation in bad faith in relation to a Complaint may be subject to Disciplinary Action.

- 5.4.3 Complaints that are intentionally dishonest or made with an ulterior purpose, including to purposely annoy, embarrass, or harm the Respondent are considered frivolous, vexatious, or bad faith Complaints. Such Complaints may result in sanctions against the Complainant, or Disciplinary Action, in the case of Students, and discipline in the case of non-students, up to and including termination of employment or contract.

6.0 ASSOCIATED PROCEDURES

- Student Non-Academic Misconduct Procedure

7.0 RELATED POLICIES, FORMS, AND OTHER DOCUMENTS

- Student Academic Integrity Policy and Student Academic Misconduct Procedure
- Student Code of Conduct
- Harassment Policy
- Sexual Violence Policy and Procedure
- Privacy Policy
- Records Management Policy
- Violence in the Workplace Policy
- Safe Disclosure Policy and Reporting Allegations of Wrongful Conduct Procedure

8.0 ACCOUNTABILITY

Policy Sponsor

Provost and Vice President Academic

Responsible Office

Associate Vice-President, Students and Teaching

9.0 HISTORY

Relevant Dates

Approved: **19.12.19**

Effective: **19.12.19**

Next Review: **24.12**

Modification History

19.12.19: New policy. Recommended by General Faculties Council (motion: GFC-07-10-28-2019) and approved by Board motion 04-12-19-2019/20.

21.10.01: Minor change to update references to related policy documents. Approved by Policy Sponsor.