



Medicine Hat College Procedure STUDENT NON-ACADEMIC MISCONDUCT

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| Procedure #: | PR-SD-04-01 |
| Procedure Authority: | Registrar |
| Executive Sponsor: | Associate Vice-President, Student Development |
| Approved by: | Associate Vice-President, Student Development |
| Effective Date: | September 28, 2015 |

1. PURPOSE

This procedure outlines the steps that are to be followed in incidences of Student Non-Academic Misconduct.

These procedures do not apply to student academic misconduct. For these, please refer to *Student Academic Misconduct*.

This Procedure supersedes respective statements in the Academic Calendar.

2. POLICY

SD-04 *Student Non-Academic Misconduct*

3. DEFINITIONS

All capitalized terms used throughout these procedures that are not otherwise defined herein shall have the meanings ascribed to such under the Policy.

- **Activity Supervisor:** The person in the position of responsibility when the misconduct occurs (in that moment, in that setting).
- **Applicable laws:** means all federal, provincial and municipal laws, statutes, regulations, bylaws, order and instruments and all terms and conditions of any grant of approval, permission, authority or license of any court or governmental or self-regulatory authority that apply to a party and its operations and business.
- **Appeal:** An option available to students to appeal the penalty that has been imposed.
- **Dismissal:** To be removed from MHC for up to one year. To return to MHC an application for admission must be submitted. MHC reserves the right to deny readmission or to implement certain conditions of admission, which if violated, may result in immediate dismissal.
- **Expulsion:** To be removed from MHC and be denied reentry to MHC at any time.

- **MHC or the College:** means Medicine Hat College
- **Member:** means a Member of the Medicine Hat College Community
- **Medicine Hat College Community:** A Member of the Medicine Hat College Community, (Member(s), under this Policy includes, but is not limited to the following:
 - (a) Employee: any person who is employed by MHC or who provides services to MHC under an employment contract.
 - (b) Student: any person enrolled in study at MHC.
- **Parties:** means any person involved in the incident.
- **Student Non-Academic Misconduct Appeal Committee:** An ad hoc committee formed by the Associate Vice-President, Student Services. The committee will comprise of the following:
 - Associate Vice-President, Student Development
 - a student recommended by the Students' Association (from a different program than, and unknown to the accused),
 - one neutral College administrator or faculty member recommended by the Associate Vice-President, Student Development
- **Suspension:** To be removed from class for a period of time.
- **Working Days:** Are defined as any day from Monday to Friday when the College is open. Holiday and weekends are not considered Working Days.

4. GENERAL PRINCIPLES

- 4.1 If at any point, a Student is unsure how to proceed or if they feel they have been subjected to a human rights violation, they may contact any of the following for assistance: the Students' Association, registrar or the human rights advisor at HumanRightsAdvisor@mhc.ab.ca.
- 4.2 Employees may consult with any of the following for assistance in understanding or applying these Procedures: registrar, instructor, coordinator, chair, associate dean, dean, associate vice-president, or vice-president.
- 4.3 The College is obligated to investigate any report of a serious violation of the College's Policy AC-03: *Student Non-Academic Misconduct*.
- 4.4 Parties are encouraged to keep their own notes regarding details of an incident (when and where the incident occurred, and names of witnesses).
- 4.5 Student Non-Academic Misconduct is managed by the Activity Supervisor of the students in classrooms, laboratories, shops, and other assigned teaching/learning/activity settings.

4.6 Any individual witnessing non-academic misconduct in common areas of the College or when they feel that they cannot manage the observed misconduct in the location that they are responsible for should report the incident directly to Campus Security.

5. INFORMATION, PRIVACY, CONFIDENTIALITY AND SECURITY

Members should handle the collection, use and distribution of all information in ways that respects individual privacy, protects MHC's interests and complies with all applicable privacy legislation, including but not limited to the *Freedom of Information and Protection of Privacy Act*.

The College will make every effort to ensure that incidences are handled in such a ways as to keep information in confidence except as necessary to investigate the incident. All parties of an incident are expected to maintain confidentiality.

Records should be retained or destroyed according to MHC's record retention practices. Members must not alter, distort, conceal or destroy any document, record, or object for the purpose of impeding or obstructing any investigation conducted by MHC or any government or regulatory agency.

6. CONFLICT OF INTEREST

Should the nature of an incident place any party responsible for acting under these procedures in a conflict of interest as defined by the College's policy on Conflict of Interest, a College Executive who has no involvement in the situation will be responsible for identifying an alternate.

7. RULES OF PROCEDURE FAIRNESS

Throughout this process, all Parties involved shall be entitled to fair treatment which shall include:

- (a) Reasonable notice of any meeting at which attendance is requested.
- (b) Reasonable notice of the filing of a complaint and of its nature and substance so as to be able to respond to it.
- (c) To bring information to the attention of the decision-maker.
- (d) Consideration as to whether there are any obstacles or factors which might hinder a person's ability to respond to an allegation or complaint, or to make a submission on any matter, and otherwise make appropriate allowances so that a person's submission or response will be taken into consideration.
- (e) Procedures allow students to bring other persons as support (e.g. Students' Association representative, fellow student).
- (f) A decision must be made without bias or the appearance of bias.
- (g) Act only on relevant information or evidence.
- (h) Decision-makers must give genuine and proper consideration to the particular merits of a person's case before reaching their decision. However, previous incidents where the accused has been a party, will be taken into account and may be considered a factor in determining the outcome of the investigation and subsequent penalties.

8. PROCEDURE

| ACTION | RESPONSIBILITY |
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| INCIDENT—IMMEDIATE RESPONSE | |
| <i>Incident of Student Non-Academic Misconduct occurs</i> | |
| - in classroom, laboratories, shops and other assigned teaching learning/Activity settings | Activity Supervisor |
| - On campus but outside of direct learning environment (e.g. common areas of the College, including, but not limited to hallways, parking lot, washrooms) | Member who witnesses |
| SERIOUS INCIDENT RESPONSE | |
| Any individual witnessing Student Non-Academic Misconduct in common areas of the College or when they feel that they cannot manage the observed misconduct in the location that they are responsible for reports the incident directly to Campus Security. This includes Actions of Violence. | Activity Supervisor or Member call Campus Security immediately |
| If the Activity Supervisor is unable to provide resolution or if it is a serious enough nature, the incident should be reported to the next level administration depending on the circumstances. For example, 1. Instructor 2. Program coordinator 3. Program chair 4. Dean | Member or Activity Supervisor or Manager, Campus Security |
| STEP ONE: INFORMAL RESOLUTION | |
| Where possible and appropriate to do so, incidents of Student Non-Academic Misconduct should be dealt with informally by Activity Supervisors or between students. | Activity Supervisor or Students |
| The informal process will include the following: <ul style="list-style-type: none"> • Consulting with all parties involved • Assessing whether the incident can be handled informally • Setting expectations and agreement on future behaviour | Activity Supervisor or Students |
| Disciplinary action that could be imposed include the following: (i) Warning – approved by Activity Supervisor (ii) Removal from activity – approved by Activity Supervisor (iii) Suspension For up to three (3) days—approved by Dean | Activity Supervisor |
| STEP TWO: FORMAL RESOLUTION | |
| If there is no resolution of the incident through Step One or if the incident is serious in nature the incident requires formal resolution. | |

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| <p>A written report indicating a complaint of Student Non-Academic Misconduct is completed and sent to the Registrar.</p> | <p>Activity Supervisor or Student</p> |
| <p>Upon receiving a report of a complaint, an investigation will be done. The investigation consists of the Registrar meeting separately with those accused of the wrongdoing and the person or persons who reported the incident, in order to determine the nature of the offence.</p> | <p>Registrar</p> |
| <p>If the Registrar determines, based on the balance of probability, that an offence has occurred, a letter is written outlining the validity of the report and the sanctions and remedies to be imposed. Copies of this letter go to the Student and Associate Vice-President, Student Development.</p> | <p>Registrar</p> |
| <p>Disciplinary action that could be imposed include the following: (iv) Warning – approved by Registrar (v) Suspension for longer than three (3) days—approved by Registrar (vi) Dismissal (for one year- must submit application for admission)—approved by Registrar (vii)Expulsion—approved by Registrar</p> | <p>As indicated</p> |
| <p>The Registrar shall notify the student or students, in writing, of the action, and the penalty to be imposed. Copies of this letter will be forwarded to the Associate Vice-President Student Development.</p> | <p>Registrar</p> |
| <p>APPEAL PROCEDURE</p> | |
| <p>The student can appeal the penalty for Student Non-Academic Misconduct by notifying in writing the office of the Associate Vice-President, Student Development within 20 working days from the date of the Registrar’s decision.</p> | <p>Student</p> |
| <p>An Appeal Committee is formed. The committee will comprise of the following:</p> <ul style="list-style-type: none"> • Associate Vice-President, Student Development • A student recommended by the Students’ Association (from a different program than, and unknown to the accused), • One neutral College administrator or faculty member recommended by the Associate Vice-President, Student Development | <p>Associate Vice President. Student Development</p> |
| <p>The Appeal Committee will review the written documentation and hear from all parties concerned in the matter. The committee shall make a decision within 20 working days from the date the student or students filed the appeal. The decision of the committee is final. A written document outlining the committee’s decision is sent to the student and the Registrar.</p> | <p>Associate Vice President. Student Development</p> |

| DOCUMENTATION | |
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| Letter outlining result of investigation and the penalty to be imposed is placed on the student's official record--Formal Resolution only. For complaints resolved informally nothing will be placed on the student's official record. | Registrar |

ORIGINAL COPY SIGNED

Irlanda Price
Associate Vice-President, Student Development

Date: September 28, 2015

DOCUMENT HISTORY

September 2015 New procedure (Supersedes Academic Calendar)