

Policy

POLICY TITLE: Non-Academic Misconduct Policy
CATEGORY: Academic
RESPONSIBILITY: Academic
OWNER: Associate Dean Academic
APPROVED BY: Academic Council
APPROVED DATE: June 22, 2023
LAST REVIEWED:

Introduction

According to the UofR's Students Code of Conduct in the Undergraduate Calendar, Acts of non-academic misconduct include, but are not limited to, the following ("Violations"):

- a violation of the published rules, regulations, practices, procedures, or policies of the University or of any authorized rule-making body within the University, including all academic and administrative units, any residence, and a violation of any professional code of conduct applicable to a student's faculty or department;
- theft, vandalism, and willful or negligent damage to the property of the University or of a member of the University community, the Student's Union, or any other university organization;
- disruption of instructional activities (being any conduct which makes it difficult to proceed with scheduled lectures, seminars, discussion group meetings, and related activities, or with examinations, tests, or use of library, laboratory, or research facilities);
- assault of any nature, or the threat of any assault;
- the unauthorized use or the misuse of any university facilities, equipment, or services;
- the violation or breach of any Federal, Provincial, or Municipal laws, so far as they are relevant to student conduct;
- harassment or discrimination in contravention of the principles articulated in the policies of the University, The Saskatchewan Human Rights Code, or the Canadian Charter of Rights and Freedoms;
- illegal drug use and/or distribution of illegal drugs;
- the failure to comply with the directions of officials of the University acting within the scope of their authority;

- any conduct which harms or threatens to harm the proper functioning of university programs or activities, the rights of members or guests of the University, the safety or well-being of members or guests of the University, or the property of the University, its members, and guests; and
- falsification or misuse of university records for improper or fraudulent purposes.

It is recognized that an offence can be of one or more of a criminal, non-academic, and academic in character (e.g. theft of a key to obtain a copy of an examination paper). In these cases, it is understood that both academic and non-academic discipline, and criminal penalties may arise.

Non-Academic Misconduct Procedures

Reporting Non-Academic Misconduct

Any individual may report a Violation to:

- Director of Student Success Services
- the Vice-President Academic Office
- Campus Security;
- any other appropriate FNUUniv officer or administrator such as the Student Engagement Officer or the Associate Deans

Investigation

Upon receiving notification, the Director of Student Success Services (or designate) will investigate the alleged violation immediately with an advisory team and in conjunction with Campus Security, if appropriate. This process includes taking a statement from the complainant, informing the respondent of the allegation, offering an opportunity for the respondent to reply to the allegation, and conducting any further investigation deemed necessary to ensure procedural fairness.

Incident Report

An Incident Report will be prepared by the Director of Student Success Services. The Incident Report will summarize the investigation and findings and may recommend a penalty/consequence in respect of the violation, which may include referral of the matter to a law enforcement agency. The Incident Report will be shared with the VP Academic Office and stored in a OneDrive folder with access restricted to the Director of Student Success Services, the VP Academic, and any other FNUUniv staff that require access. If the Director of Student Success Services and/or Campus Security determine that the violation did occur, the Incident Report will also be forwarded to the “Investigative Lead” at the UofR, the Associate Vice-President, Student Affairs (or designate) and for

graduate students, the Dean of the Faculty of Graduate Studies and Research (or designate).

External Investigation

Where the violation falls within the scope of the Criminal Code of Canada or any other federal or provincial statute, the matter may be referred to law enforcement for consideration. Campus Security will liaise between the FNUUniv, the University and Law Enforcement Officials. The violation will concurrently be reviewed by the Director of Student Success Services and the Investigative Lead at the UofR for an internal disciplinary decision. Notwithstanding that a violation may have been referred to law enforcement officials for external investigation and action (including judicial action), FNUUniv and the University may choose to proceed with an internal investigation and disciplinary decision hereunder.

Presidential Intervention

The President (or the Acting President) of FNUUniv has the power to exclude any individual from FNUUniv at any time. This will be done if, in the opinion of the President, this action is necessary to avoid disruption to FNUUniv. The President (or the Acting President) of the UofR has the power to exclude any individual from the University at any time. Such actions are deemed as necessary to protect the interests of students, faculty, staff, or visitors to FNUUniv and the University.

If there is no current investigation of non-academic misconduct, the incident(s) giving rise to the exclusion will be reported to the Director of Student Success Services (or designate) and Investigative Lead (or designate) at the UofR for further investigation and decision as to penalty, including possible continued exclusion from the University. If there is a current investigation of non-academic misconduct underway, the continued exclusion of the student will be determined through the disciplinary process.

At the completion of the penalty period, a student who has been excluded from the University must petition to the Council Discipline Committee for permission to apply for re-admission.

Non-Academic Misconduct Penalties University penalties for acts of non-academic misconduct are assigned by the Director of Student Success Services (or designate) and/or the Investigative Lead (or designate).

Non-Academic Misconduct Penalties

University penalties/consequences for acts of non-academic misconduct are assigned by the Director of Student Success Services (or designate). The possible penalties/consequences for an act of non-academic misconduct may include any one or

more of the following, or another appropriate penalty/consequence at the discretion of the Director of Students Success Services (or designate):

- Forfeiture of fees;
- restitution for damage;
- fines;
- university community service or remedial measures;
- talking circles with those impacted;
- Mandatory Elder support or therapeutic support
- alternative dispute resolution;
- loss of, and/or requirement to repay, scholarships or other awards;
- probation;
- eviction from residence;
- restriction of access or use of any University facilities, equipment, or services;
- expulsion from the Co-op program;
- suspension (dismissal from the University for a fixed period);
- termination of any internship, practicum, clinical, or research project, without any refund of fees;
- expulsion (dismissal from the University for an indefinite period and in no case less than two calendar years); or
- exclusion from university campuses, lands, buildings, and/or the online university systems.

Review, Disciplinary Decision, and Assignment of Penalty

Upon receipt of an Incident Report, the Director of Student Success Services (or designate) will review the misconduct in question and recommend a course of action, including an appropriate disciplinary penalty. The Director (or designate) shall be entitled to call upon the assistance of an Advisory Team which shall comprise the following individuals: an Elder from home campus, the Program Coordinator of the accused student's Program, the FNUUniv Student Engagement Officer, the Associate Dean, Community, Research, and Graduate Programs, faculty, the director of Campus Security, or such other appropriate administrative personnel as may be required. The Director (or designate) will make the disciplinary decision with Investigative Lead at the UofR, if required.

Notification of Disciplinary Decision and Assignment of Penalty

The Director of Student Success Services (or designate) will advise the student of the disciplinary decision in writing and will provide a copy of the disciplinary decision to the FNUUniv Registrar's Office and the University Secretary. If the disciplinary

decision involves suspension or expulsion, a copy shall also be provided to the student's Program Coordinator, Dean, and the Registrar's Office for action with respect to the student record.

Administration of Penalties of Suspension--Expulsion, and Exclusion from Campus

Suspension, Expulsion, and Exclusion - Withdrawal from Courses

A student who is suspended, expelled, or excluded from campus will be immediately withdrawn from course(s) in progress and assigned grades of Compulsory Withdrawal (CW).

Suspension and Expulsion – Reinstatement in In-progress Classes and Registration in Future Terms. To be reinstated in in-progress classes, a student must make their intent to appeal known to the University Secretary within 10 business days of being notified of the suspension or expulsion. The formal appeal may follow this notification and must be received by the University Secretary within the timelines specified in the Appeals of Academic or Non-Academic Misconduct – Council Disciplines Committee section of the Undergraduate Calendar. Students who have been excluded from campus are not eligible to have their in-progress classes or future term class registrations reinstated on the receipt of notification of intent to appeal.

A student who is appealing a penalty of suspension or expulsion may continue to register for and attend classes until the appeal process has been exhausted unless the student has been excluded from campus. Where the appeal process has been exhausted and a penalty of suspension or expulsion is the final outcome of that process, the student will be withdrawn from courses in progress with grades of CW ("compulsory withdrawal") and all registrations in future academic terms will be cancelled.

Reinstatement in Classes - Exclusion from Campus

A student who is suspended or expelled, and who is also excluded from campus will be reinstated in in-progress classes, if possible, if the outcome of their appeal is successful and the penalty is rescinded. Registrations in future academic terms will be reinstated to the extent possible.

Return to the University at the Conclusion of a Suspension Period

At the conclusion of the period specified in a suspension, students who have been

suspended must reapply and follow the normal deadlines and procedures for admission, re-admission, or faculty transfer.

Return to the University at the Conclusion of an Expulsion Period

At the conclusion of the period specified in an expulsion, students who have been expelled must petition to the Council Discipline Committee for permission to apply for re-admission/re-instatement. There is no guarantee that a student will be granted re-admission/re-instatement to their chosen faculty, federated college, or academic unit after serving out the penalty of expulsion.

Exclusion from Receiving Transfer Credit on a Suspension or Expulsion

Students who have been suspended or expelled from the University and who are subsequently re-admitted to the University will not receive transfer credit for any courses they may have taken from other institutions during the period of their dismissal.

Application to Graduate and Participation in Convocation during a Suspension, Expulsion, or Exclusion

Students who have been suspended, expelled, or excluded may not apply to graduate or participate in Convocation ceremonies