



<b>Non-Academic Misconduct Procedure</b>	
<b>Parent Policy:</b> Student Rights and Responsibilities Policy	
<b>Category:</b> Academic	<b>Approval Date:</b> August 21, 2023
<b>Procedure Owner:</b> Vice President Academic	<b>Effective Date:</b> August 21, 2023
<b>Procedure Administrator:</b> Academic Policy Committee	<b>Review Period:</b> 3 Years
<b>Associated Documents:</b> Appendix B – Types of Non-Academic Misconduct	

**IN AN EMERGENCY CONTACT 911**  
or  
call 403.343.4000 for  
RED DEER POLYTECHNIC  
CAMPUS SECURITY

## PURPOSE

This procedure outlines the steps required for reporting, responding to, and investigating student non-academic misconduct. Non-academic misconduct is behaviour that endangers the health, safety or property of others. This procedure also establishes a decision-making framework that encourages personal accountability and engages educational methods before punitive approaches.

Student academic misconduct is addressed under the Academic Misconduct Procedure.

## PROCEDURE

### *Consultation*

1. If there are questions regarding whether non-academic misconduct has happened or if debriefing after an incident is required, please consult with the Dean of Students (or designate).

## **Reporting**

1. Student non-academic misconduct shall be reported directly to Campus Security in person, via phone (403-342-3445), via email ([security@rdpolytech.ca](mailto:security@rdpolytech.ca)), or through the Polytechnic Safe App by
  - a. selecting the red “Security Emergency” option; or
  - b. selecting the “Security Toolbox” option and choosing “Chat with Campus Security.”
2. The report shall include the following information, if known:
  - a. the name(s) of the student(s) about whom the report is made;
  - b. time(s), date(s), and location(s) relating to the alleged misconduct;
  - c. a description of the alleged misconduct;
  - d. the names of potential witnesses; and
  - e. the complainant’s name and contact information.
3. Although reports may be submitted anonymously, this may limit the ability to adequately investigate. An anonymous report may be considered if it includes enough information to assess the allegations and believability of the facts and evidence without the need for further information from the complainant.
4. The Security Services Manager (or designate) and the Dean of Students (or designate) shall be notified of the report of non-academic misconduct.
5. The Security Services Manager (or designate) shall be the central point of contact if a law enforcement agency is involved.
6. At any time in the process, the Security Services Manager (or designate) and Dean of Students (or designate) will consult with Polytechnic staff and faculty as necessary to decide whether the situation needs a CARES (Creating Actionable and Responsible Early Support) approach. The CARES approach supports individual students in finding and using appropriate services and creating a Student Success Plan.

## **Confidentiality**

1. The circumstances of the complaint and personal information of complainants, respondents, and witnesses shall be kept confidential to the extent possible. The Polytechnic may be required to disclose information within or outside the Polytechnic. Some examples include the following:
  - a. an individual is at imminent risk of self-harm;
  - b. an individual is at imminent risk of harming another;
  - c. the health or safety of others may be at risk of harm;
  - d. reporting or some other action is required by law (e.g., police investigation or civil litigation);
  - e. evidence of the reported conduct is available in the public realm.
2. Information about an individual may be disclosed to facilitate their access to support services and assistance. In such cases, the information disclosed will be strictly limited to the details required to provide those services and assistance.
3. Students are encouraged to contact Red Deer Polytechnic Counselling Services or Health, Safety and Wellness office at any stage of the process to seek confidential consultation about appropriate supports and referrals. This process may happen as a self-referral or referral from the Security Services Manager to the CARES Team.

### ***Interim Measures***

1. At any time, an individual may request, or the Polytechnic may decide that it is fair and reasonable to put temporary and precautionary measures in place.
2. The objective of interim measures is not to punish the respondent or to prejudge the outcome. The Polytechnic recognizes that interim measures can significantly impact individuals who access the campus (e.g., for study, working, living, RDP athletics, or other services or activities). Decisions about interim measures will strive to balance the rights of both the complainant and respondent (the “parties”) to procedural fairness, use trauma-informed practices, and consider, on a case-by-case basis, the parties’ needs.
3. The Dean of Students (or designate), in consultation with the Security Services Manager (or designate), shall have the authority to impose or lift interim measures on persons involved in the incident and shall consult with other relevant Polytechnic departments where necessary.
4. Interim measures must balance individuals’ safety with fairness to the respondent. They are temporary limitations imposed for the purposes of ensuring the safety of the Polytechnic community, the preservation of property, and the operations of the Polytechnic. Interim measures are not to be considered a finding of guilt.
5. Interim measures may include one or a combination of the following:
  - a. orders requiring the respondent to comply with a law enforcement or court order;
  - b. orders not to contact specific individuals;
  - c. orders protecting confidentiality;
  - d. orders restricting access to specific Polytechnic resources, services, premises, or facilities;
  - e. orders requiring the removal or distancing of the respondent from the academic, residential, or workplace situation(s) at the Polytechnic of specific individuals; or
  - f. orders recommended by the Security Services Manager (or designate).
6. The respondent and others, as appropriate, shall be informed of the interim measures in writing.
7. Depending on the nature of the interim measures, a respondent may be allowed to continue their studies while they are subject to interim measures or during the investigation phase, or both.

### ***Investigation***

1. The Dean of Students (or designate) reviews the information and determines whether:
  - a. the complaint relates to a policy of the Polytechnic;
  - b. the complaint is appropriate for informal solution, or a referral to the CARES Team;
  - c. the complaint is:
    - i. frivolous, which means the complaint is lacking in substance, proper seriousness or factual basis;
    - ii. vexatious, which involves the repetition of one or more previous complaints that substantially share the same theme, have already been decided, and are made with the intent to annoy, harass, or vex the respondent; or
    - iii. made in bad faith, which involves complaints made falsely and maliciously with the intent to intimidate or retaliate;

- d. the complaint is not related to a Polytechnic policy and should not proceed to an investigation.
2. An investigation will proceed when the allegations could amount to a violation of the Student Rights and Responsibilities Policy (if proven), and there is enough information to form the basis of an investigation.
3. If the Dean of Students (or designate) decides that the complaint will not move forward to an investigation, they will inform the complainant in writing, with reasons, within ten (10) business days of receipt of a complaint.
4. If the Dean of Students (or designate) decides that the complaint will proceed to an investigation, they will assign investigator(s) and notify the parties.
5. The Dean of Students (or designate) notifies the parties about the investigation in writing. The parties are asked whether they require any accommodations to fully participate in the investigation.
6. The investigator(s) develop an investigation plan that identifies the issues, the scope of the investigation, the individuals to be interviewed, the subjects to be explored in the interviews, and the evidence to be requested during interviews.
7. Investigator(s) undergo a conflict-of-interest check before beginning an investigation. The investigator(s) declare any conflicts to the Dean of Students (or designate) who will re-appoint investigator(s) as appropriate.
8. Investigator(s) gather information according to their mandate as directed by the Dean of Students (or designate).
9. Investigator(s) contact the parties and any witnesses to arrange separate interviews.
10. The parties and witnesses are informed of the following:
  - a. that they have the right to bring a support person to investigation interviews to provide emotional, spiritual, or cultural support;
  - b. that other supports are available to maintain their well-being during the process (e.g., Counselling Services);
  - c. what the investigation process will involve and that the parties and witnesses may ask the investigator(s) procedural questions;
  - d. that they will be asked to sign a confidentiality acknowledgment; and
  - e. that individuals have the right not to participate in the investigation; however, the investigation report will be completed without that individual's participation.
11. A witness in the investigation cannot simultaneously be a support person attending interviews with either party.
12. The parties cannot participate in meetings or interviews together (at the same time).
13. The Dean of Students (or designate) will notify the parties about the progress of the investigation, estimated timeframes, and any delays related to the matter, regardless of the parties' level of participation in the process.

## **Report**

1. Investigator(s) prepare a written investigation report based on the evidence collected, including information about the impact of the misconduct on the parties. Investigator(s) make findings on a balance of probabilities (i.e., whether it is more likely than not that the respondent's behaviour occurred in violation of this policy). Investigator(s) do not determine the outcomes.
2. Investigator(s) complete their report and submit it to the Vice President Academic (or designate) within 60 calendar days of being appointed. If the investigator(s) require a time limit extension, they may make a written request to the Dean of Students (or designate)

before the date by which the investigation report is to be submitted. The request outlines the rationale for the extension request and identifies a new submission deadline.

3. The Dean of Students (or designate) informs the investigator(s) and other parties of the decision in writing, ideally within one business day, whether the extension is granted. They outline the reasons for the decision and confirm the new submission deadline. The parties are also informed, in writing, of the new deadline and the reasons for the extension.

### **Outcome Measures**

1. The Vice President Academic (or designate) determines the outcome measures. While outcome measures may include penalties such as suspension or expulsion, the primary objective in determining outcome measures is to educate a party, or restore a party, or both.
2. The Vice President Academic (or designate) confirms receipt of the investigation report by email to the investigator(s) as soon as possible.
3. The Vice President Academic (or designate) reviews the report and evidence. If they have clarifying questions for the investigator(s), they email their questions to the investigator(s).
4. Within 30 calendar days of the date of receipt of the investigation report, the Vice President Academic (or designate) notifies the parties, in writing, whether the respondent was found to have violated policy or not (based on the balance of probabilities). If the Vice President Academic (or designate) requires more time, they will contact the Dean of Students (or designate) who notifies the parties as soon as possible and indicates the revised timeline.
5. In some cases, the Vice President Academic (or designate) may ask the parties, separately, to provide input (in writing, in person, via phone call or online) on what they propose as an appropriate outcome. The parties' input will not be the only determining factor in deciding outcomes. Each party has the right to be accompanied by a support person when providing input.
6. One or more of the following outcome measures may be imposed when a student is found to have violated policy (based on the balance of probabilities):
  - a. a written warning;
  - b. conditions to be satisfied within a specified time;
  - c. restitution (payment of costs or payment for loss, damage, or injury in the form of cash, appropriate service, or material replacement);
  - d. restrictions on contacting specific individuals (i.e., a no-contact order);
  - e. loss of specified privileges for a specified period;
  - f. assignments that are considered appropriate, restorative, educational, or preventive in nature;
  - g. relocation or banning from Residence for any specified period of time;
  - h. removal of the student from one or more courses (or from a research project or work integrated learning activity) for a specific period;
  - i. suspension from the Polytechnic for a specified period, with or without conditions for readmission; and
  - j. expulsion from the Polytechnic.
7. In deciding the appropriate outcome(s), consideration shall be given to the following factors:
  - a. whether the student has presented a risk to themselves or others;
  - b. whether the conduct was accidental or intentional;
  - c. whether the student has relevant personal circumstances;
  - d. whether it is a first instance of non-academic misconduct;

- e. whether severity is a factor;
  - f. whether the misconduct has impacted others at the Polytechnic;
  - g. whether the misconduct has impacted the public image of the Polytechnic;
  - h. whether the situation requires a CARES approach; and
  - i. whether the situation merits an educational or remedial approach with learning outcomes connected to the specific non-academic misconduct.
8. Should the Vice President Academic (or designate) receive evidence that the respondent has violated interim measures, or the terms and conditions associated with a decision, that violation may be treated as a non-academic misconduct offence and addressed in accordance with this procedure.
  9. The respondent and the complainant shall be notified of the decision in writing, with reasons, and the respondent shall be informed of the details of any outcome measures.

### ***Appeal***

1. Student respondents may make an appeal application under the Student Appeals Policy. Appeal applications must be submitted within ten (10) business days of receiving the decision. Depending on the nature of the decision being appealed, including the disciplinary action imposed, the implementation of the disciplinary action may be put on hold.

### ***Records***

1. The Office of the Dean of Students shall maintain a confidential student record of complaints, decisions, interim measures, and outcome measures. Relevant records are also maintained in the Campus Security database.
2. Students who are suspended from the Polytechnic 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 is over.
3. Students who are expelled from the Polytechnic shall receive a notation of Required to Withdraw added to their transcript.