

## CODE OF STUDENT CONDUCT (NON-ACADEMIC)

Category:	Students
Number:	ST2
Responsibility:	Director of Ancillary and Student Services
Approval:	Administration, October 2015
Amendments:	Every 5 years of as circumstances warrant

### PURPOSE

Algoma University is committed to establishing and maintaining an environment conducive to effective teaching and learning. Algoma University also encourages social activities and recognizes the freedom of expression and the rights of individuals. The Code of Student Conduct: Non-Academic deals with the general Non-Academic behavior of students, individually and collectively, as members of the University and/or its constituent parts, in non-academic, social, or recreational settings, whether on or off campus.

### SCOPE

This policy outlines the limits of conduct considered to be in line with the goals and the well-being of the University community, and establishes procedures to be followed when students fail to meet the accepted standards.

This code applies to unacceptable conduct by students while on campus or when acting as a delegate or designated representative of Algoma University and/or of a recognized student organization in events off-campus. Students have the responsibility to familiarize themselves with the Code of Student Conduct (Non-Academic) and the conduct expected of them while studying at Algoma University. Students are both members of Canadian society in general and of the University community. Therefore, they must observe not only Federal, Provincial and Municipal laws but also Algoma University policies and regulations.

Students should also recognize that membership in one community does not confer any form of immunity from the requirements or sanctions of the other. Regardless of the actions or inaction of any authority outside the university, a student found responsible for misconduct under this Code is subject to its disciplinary sanctions within the University system.

## DEFINITIONS

Student: For the purposes of the Code, a student is any full-time, part-time, distance-education, audit-status, or non-credit student who, in her or his status as student, has access to University services, programs or activities.

## POLICY

Standards of Conduct:

Behaviour must adhere to all policies and procedures established by Algoma University, including but not limited to:

- Residence
- Health and Safety
- Campus Bar
- Athletics and Recreation
- Classroom
- All other Algoma University policies and protocols

Students are expected to be responsible for their actions, whether acting individually or in a group.

A student host is responsible for the conduct of his/her authorized guests including any violation(s) of this Code to the extent that s/he could have (i) reasonably foreseen the problem and/or, (ii) taken steps to prevent the violation and/or (iii) minimized the effect of the guest's behavior.

Behaviour must not harm or threaten harm to any of the following:

- A) the safety and well-being of members or guests of the University community;
- B) the rights of members or guests of the University community;
- C) the proper functioning of University programs or activities, both on or off campus;
- D) the property (physical and intellectual) of the University or members or guests of the university community.

## PROCEDURES

When a student fails to meet the accepted standards of conduct, as outlined in the Code of Student Conduct (Non-Academic) Policy, the following procedures are in effect. This procedural guide includes examples of breaches and penalties as well as the institutional procedure for breaches to the Code of Student Conduct (Non-Academic).

Breaches:

Examples of breaches under this Code of Student Conduct (non-academic) include, but are not limited to, the following:

- Committing an illegal act.

- Gaining unauthorized access to or unauthorized use of University facilities, equipment or services.
- Obstructing University officials in the legitimate exercise of their duties or authority.
- Knowingly or willfully bringing a false charge against any member of the University community under this Code.
- Misrepresenting oneself or the University name.
- Threat of bodily harm to another person, or knowingly causing another person to fear bodily harm.
- Acts which include the endangerment of the health and safety of other persons.
- Damaging or threatening damage to a person's property or knowingly causing a person to fear damage to her or his property.
- Harassment, defined as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.
- Disruptive or aggressive behaviour of a student towards a faculty or staff member - "Disruptive behaviour" means conduct that materially and substantially interferes with or obstructs the teaching or learning process in the context of a classroom or overall educational setting. Disruptive behaviour includes conduct that distracts or intimidates others in a manner that interferes with instructional activities, fails to adhere to an instructor's appropriate class rules (e.g., classroom, examination room, placement setting, etc.) or instructions, or interferes with the normal operations of the University.
- Behavior on University property (or off University property if behavior is related to university functions or concerns), which causes a person or persons to fear for their own safety or the safety of persons known to them, and/or adversely affects their freedom to participate in the University's academic or non-academic activities. Such conduct includes but is not limited to:
  - i. Engaging in physical altercations;
  - ii. Possessing illegal substances or weapons on University property;
  - iii. Retaliating or attempting to retaliate against any person or persons for making a complaint under this Code;
  - iv. Theft, destruction or damage of any University or personal property, including intellectual property and information;
  - v. Misusing identification. Possible infractions include, but are not limited to, misusing any kind of identification card, credit card, meal card, password, or other form of prioritized access control;
  - vi. Unauthorized accommodation in an Algoma University building or on University property.

Sanctions:

The Director of Ancillary and Student Services, on behalf of the University, may impose discipline as appropriate, including but not limited to:

- a formal written warning;
- a monetary fine;
- an order for restitution or compensation to the University or other aggrieved party;
- a probationary period with or without conditions, during which any further misconduct will result in a further penalty;
- a restriction on a student's access to campus facilities or the hours during which access is permitted;
- restrictions from attending academic courses with the following additional procedures:
  - 1) Recommendation to the Registrar that the student be withdrawn from one or more courses;

- 2) Recommendation to the Registrar that the student be suspended from a course, courses, or the University;
- 3) Recommendation to the Registrar that the student be expelled from a course, courses, or the University.

\*The Registrar, upon receiving a recommendation from the Director of Ancillary and Student Services, shall promptly review the recommended sanction and, as if applicable, inform the student in written form of the discipline imposed and details thereof. Algoma University reserves the right to withhold the release of official grades and/or transcripts until disciplinary requirements have been fulfilled.

#### Reporting Complaints:

Any member of the University community may file a complaint of misconduct against a student or students under this Code (students having complaints against any university staff or faculty member would exercise their rights according to other appropriate policies and protocols – see the University Policies section on the Algoma University web site).

Complaints of non-academic misconduct should be reported forthwith to the Director of Ancillary and Student Services. Academic Misconduct (e.g. Plagiarism, Academic Dishonesty etc) is covered under other appropriate policies and protocols – see the University Policies section on the Algoma University web site)

**In situations involving assault or other misconduct, the Director of Ancillary and Student Services or his/her designate will notify Security without delay. Upon consulting with the complainant, the Director or his/her designate shall make any necessary referrals to other University Policies, contact the police, and/or initiate the appropriate intervention as he/she sees fit.**

Procedure for reporting complaints:

1. The complaint will be received on an official Conduct Complaint Form (see attached Appendix A), to the Director of Ancillary and Student Services. The signed complaint should be completed in its entirety.
2. The Director of Ancillary and Student Services will notify by letter the person (s) to whom the complaint has been filed.
3. A date and location to discuss the incident will also be included in the letter to the student (s). The student (s) involved will meet with the Director of Ancillary and Student Services where the student (s) will defend the complaint. If evidence is strong enough, the Director will proceed with issuance of a sanction against that student. If evidence is unclear, the Director may choose to seek more evidence or attempt to resolve the incident informally.
4. The Director will notify the Complainant, and may notify any other University personnel deemed appropriate or necessary of any sanctions issued.

#### CONDUCT REVIEW APPEAL COMMITTEE:

If the Respondent, the student whom receives the sanction, wishes to appeal the decision, the Director of Ancillary and Student Services will form a Conduct Review Appeal Committee consisting of another member of the Administration, a member of AUSU, and one Faculty OR Staff member. Every attempt will be made to

ensure these members are unbiased and no connection with the incident. They will also notify the complainant of the pending appeal.

Responsibilities of the Committee:

The Conduct Review Appeal Committee will ensure that the respondent:

- Is made aware of the nature of the allegations and the identity of the complainant(s) by providing her or him with a copy of the complaint(s);
- Has been given adequate notice of the hearing so that he or she has had sufficient time to prepare her or his case;
- Understands the types of penalties which may be levied for non-academic conduct, and specifically any sanctions which would be applicable in this case if the allegation is upheld;
- Is provided with the opportunity to respond orally and/or in writing to the allegation(s) or to possible sanction(s).

Appeal Process:

1. The Conduct Review Appeal Committee will review the evidence. **NO NEW EVIDENCE CAN BE SUBMITTED BY THE DIRECTOR OF ANCILLARY AND STUDENT SERVICES, RESPONDANT OR COMPLAINANT.** A hearing should be held within 15 working days of the first meeting with the Director of Ancillary and Student Services.
2. During the Hearing, the respondent and the Director of Ancillary and Student Services, independently, shall be given a full and fair opportunity to address the alleged complaint and the evidence arising from it. This meeting shall be conducted in an informal and fair manner. The respondent has the right to be accompanied by a representative(s) or person(s) acting in an advisory or supportive capacity.
3. Should a respondent refuse or fail to appear before the Conduct Review Appeal Committee, without due notice or just cause, a decision will be rendered in the student's absence, and such refusal or failure to appear shall be noted in the decision.

Decision:

Having weighed the evidence and information presented at the hearing, the Committee shall inform the respondent and complainant and Director of Ancillary and Student Services in writing within 10 working days following the Hearing that:

1. The complaint is being dismissed; or
2. The complaint is being upheld; or
3. The sanctions of the complaint are being reduced; or
4. The sanctions of the complaint are being increased.

A copy of the Notice of Decision shall be forwarded to appropriate officials of Algoma University.

Confidentiality and Record Keeping:

Any individual involved in a Code of Conduct complaint and/or appeal shall keep all information heard, read, or otherwise acquired absolutely confidential and will not discuss or share such information with anyone outside of the procedural parameters outlined above.

The Director of Ancillary and Student Services will keep all documents related to a Code of Conduct case in strict confidentiality within his/her physical office. Records will be protected in keeping with Algoma University's policy on disclosure of information.

# APPENDIX A

## Conduct Complaint Form

Date of Complaint: \_\_\_\_\_  
Complainant Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone # \_\_\_\_\_  
Email \_\_\_\_\_

Please Describe:

What happened?

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When did this occur?

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Where did it occur?

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Who was involved? Please provide as much contact information as possible:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

In your opinion what breaches of the Student Code of Conduct (Non-Academic) were violated?

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Witness (s) name; phone #; email

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

Signature of Complainant

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For Office Use Only

Date Complaint Received:

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Received by:

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