



Medicine Hat College Policy STUDENT NON-ACADEMIC MISCONDUCT

Policy #:	SD-04
Policy Authority:	Dean of Student Services/Registrar
Executive Sponsor:	Vice-President, Academic and Provost
Approved by:	President and CEO
Effective Date:	November 18, 2020
Next Mandatory Review Date:	November 18, 2025
Frequency of Review:	Every 5 years

1. POLICY OBJECTIVE

This policy sets out principles and standards of conduct applicable to Medicine Hat College (MHC) students in order to ensure a safe and effective learning environment.

This policy does not apply to academic misconduct which is covered under a separate policy (see MHC Academic Calendar.)

2. POLICY SCOPE

This policy applies to all MHC students and includes behaviour both inside and outside the classroom as well as interactions face-to-face, by telephone, or electronic communications. This policy also applies to students both on and off college premises. Breaches of this policy while off campus may result in disciplinary action if the conduct has a connection to the interest of MHC or members of the Medicine Hat College Community.

3. DEFINITIONS

- **Activity Supervisor:** the person in the position of responsibility when the misconduct occurs (in that moment, in that setting), including but not limited to, classrooms, laboratories, shops, and other assigned teaching/learning/activity settings. For example, a faculty member, coach, teaching assistant, or resident assistant.
- **Acts of Violence:** acts of violence are covered under Canada's Criminal Code, RSC 1985, c. C46. In addition, the Alberta Occupational Health and Safety Code (2020) defines Acts of Violence as "the threatened, attempted or actual conduct of a person that causes or is likely to cause physical injury".
- **Appeal:** an option available to students who are not satisfied with the investigation outcome.

- **Applicable Laws:** 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 government or self-regulatory authority that apply to a party and its operations and business.
- **Bullying:** usually seen as acts or verbal comments that could 'mentally' hurt or isolate a person in a work and learning environment. Sometimes bullying can involve negative physical contact as well. Bullying usually involves repeated incidents or a pattern of behaviour that is intended to intimidate, undermine, offend, degrade or humiliate a particular person or group of people. It has also been described as the assertion of power through aggression.¹ The college considers all forms of hazing to be included in this definition.

Bullying behaviour does not include

- (a) expressing differences of opinion;
- (b) offering constructive feedback, guidance, or advice about work-related or learning-related behaviour.

- **College Premises:** official MHC campuses, including student residences, as well as locations where approved college sporting events, meetings, field studies/trips, study/work abroad programs or academic competitions are taking place.
- **Cyber-bullying:** also known as "internet bullying" or "digital bullying", refers to harassment that takes place using an electronic medium. Cyber-bullying can occur through electronic communications, including but not limited to e-mail, instant messaging, text messaging, chat rooms, online voting booths, or other electronic means.
- **Discrimination:** any unjust practice or behavior, based on the enumerated grounds, whether intentional or not, which negatively affects or could negatively affect a member of the Medicine Hat College Community. Discrimination often leads to harassment, and/or unequal and unfair treatment.

The Human Rights Act prohibits discrimination on the basis of several protected grounds. Complaints on these specific grounds may be referred directly to the Alberta Human Rights Commission at any time by the complainant.

- **Dismissal:** to be removed from MHC for up to one year.
- **Electronic Communications:** also referred to as cyberbullying and includes but is not limited to, communication through devices and equipment such as cell phones, computers, tablets as well as communication tools including social media sites, text messages, chat, email, and websites.
- **Expulsion:** to be removed from MHC and be denied re-entry to MHC at any time.

¹ Canadian Centre for Occupational Health and Safety,
<http://www.ccohs.ca/oshanswers/psychosocial/bullying.html>

- **Frivolous or Vexatious Complaint:** a complaint that is made while known to be false or a complaint made for a purely malicious or vexatious purpose.
- **Harassment:** defined as conduct or comments that a reasonable person would find unwelcome, or a reasonable person ought to know would be unwelcome, and has the effect of interfering with an individual's work or educational performance or creates an intimidating, hostile or offensive work or educational environment. Harassment need not be intentional, and may occur during one incident, or over a series of incidents. Harassment may also be based on the protected grounds, as set out in the Human Rights Act.

In the context of the above definition, examples of harassment include, but are not limited to

- (a) sexual harassment;
 - (b) verbal or physical abuse;
 - (c) bullying, ridicule, threats, intimidation, or practical jokes that result in awkwardness or embarrassment;
 - (d) offensive signs or images;
 - (e) derogatory remarks, jokes, innuendo or taunts;
 - (f) a pattern of disrespectful behaviour, while not directed at any one individual, is severe enough to prevent an environment conducive to working or learning; and
 - (g) objectionable and unwanted behaviour with no legitimate educational or work related purpose, which
 - (i) constitutes misuse of authority or abuse of an unequal institutional power relationship;
 - (ii) implies that submission to, or rejection of, such conduct is used explicitly or implicitly as a condition for employment, or education, or assessment decisions affecting the individual;
 - (iii) has the effect of interfering with an individual's or group's work performance or educational experience;
 - (iv) constitutes a clear pattern of mistreatment that is known, or should reasonably have been known, to be severe enough to have the effect of creating an intimidating, humiliating, hostile, or offensive educational or work environment.
- **Hazing:** any activity expected of anyone as an explicit or implicit condition of initiation or entry to, affiliation with, or continuing association or membership with a group or organization that humiliates, degrades, abuses, threatens or endangers another regardless of the person's willingness to take part.
 - **MHC or the College:** Medicine Hat College.
 - **Member:** member of the Medicine Hat College Community.
 - **Medicine Hat College Community:** members under this policy include
 - (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;
 - (c) volunteer: any person performing work for MHC in an unpaid capacity;

- (d) contractor: an individual or company (and its employees) who provides services to MHC under a service contract (i.e. a non-employee-employer relationship); and
 - (e) community member: any person working in collaboration with MHC for a business or an academic purpose or a visitor to campus.
- **Protected Ground:** race, religious belief, colour, gender, gender identity, gender expression, sexual orientation, physical disability, mental disability, marital status, family status, source of income, age, ancestry, place of origin or as otherwise set out in the Alberta Human Rights Act.
 - **Reprisals:** adverse action taken against an individual for invoking this policy or for participating or cooperating in an investigation under this Policy or for associating with someone who has invoked this Policy or participated in the Policy's procedures.
 - **Sexual Harassment:** unwelcome behaviour of a sexual nature, which has the effect of interfering with a person's work or educational performance, or creates an intimidating, hostile or offensive work or educational environment such as unwanted sexual advances, unwanted requests for sexual favours, and other unwanted verbal or physical conduct or contact of a sexual nature. It may be a single incident or a series of incidents.

Examples of sexual harassment include, but are not limited to

- (a) unwanted sexual solicitation, especially that of a repeated, persistent, or abrasive nature;
- (b) sexually-oriented or gender-based remarks and/or behaviour directed towards an individual or group that may be perceived by a reasonable person to create a negative psychological and emotional environment for work and/or study environment;
- (c) remarks, jokes, or innuendos about sex where the speaker has been advised, or should otherwise be aware, that such comments are offensive or demeaning or where they are by their nature offensive or demeaning;
- (d) leering or other offensive or sexually suggestive or obscene gestures;
- (e) derogatory or degrading remarks used to describe or which are directed toward another of one sex;
- (f) the display or distribution (either mechanically or through the use of electronic media and e-mails) of sexually explicit or otherwise offensive material (Note that an exception to this is where the material is used for educational or academic purposes.);
- (g) refusing to work with people because of their sex;
- (h) advances, invitations, or propositions of a sexual nature or repeated invitation after previous requests have been refused;
- (i) persistent unwanted contact or attention after the end of a consensual relationship;
- (j) any explicit or implicit advances, invitations or propositions of a sexual nature which might, on reasonable grounds, be perceived as placing a condition on a person's employment, work assignment, compensation or benefits or on any opportunity for training, promotion or career development;
- (k) unwanted physical contact, including touching, patting, rubbing, or pinching;

- (l) verbal abuse or threats of a sexual nature;
 - (m) indecent exposure, stalking or sexual assault; and
 - (n) any implied or expressed promise of reward or threat of consequence for complying or not complying with a sexually oriented request.
- **Student Non-Academic Misconduct:** behaviour on or off college premises that violates explicitly stated college rules and regulations, or applicable laws. In addition to possible consequences under this policy, serious acts of misconduct that are criminal in nature will be turned over to the appropriate authorities outside the college. Student misconduct consists of, but is not limited to
 - (a) acts of violence;
 - (b) proffering false identification or documentation;
 - (c) theft, malicious destruction, damage or injury to property;
 - (d) violations of any college policies, procedures or regulations;
 - (e) any behaviour defined as discrimination or harassment;
 - (f) sexual harassment;
 - (g) misuse or abuse of college services, programs or facilities;
 - (h) possession, use or suspected use of any illegal substance;
 - (i) unauthorized entry into, or use of college facilities;
 - (j) failure to comply with directions of employees within the purview of their authority when carrying out their normal duties;
 - (k) conduct which may cause injury to a person and/or damage to college property and/or the property of any member of the college community;
 - (l) making frivolous or vexatious complaints;
 - (m) failure to comply with sanctions under this policy;
 - (n) possession or use of firearms or other weapons (including replica weapons), explosives or incendiary devices without the written consent of campus security. (Refer policy 6.8 Weapons and Controlled Materials.); and
 - (o) non-compliance with applicable civil and criminal laws while on and off campus.
 - **Student Non-Academic Misconduct Appeal Committee:** an ad hoc committee formed by the Vice-President, Academic and Provost. The committee will comprise of the following
 - (a) Vice-President, Academic and Provost;
 - (b) a student recommended by the Students' Association (from a different program than, and unknown to the accused); and
 - (c) one neutral college administrator or faculty member recommended by the Vice-President, Academic and Provost.
 - **Suspension:** to be removed from class for a period of time.

4. PRINCIPLES

MHC believes that excellence in the work and learning environment requires respect for diversity and inclusivity. MHC is committed to providing an environment that is free of discrimination, harassment, bullying, and violence.

5. DIRECTIVES

- 5.1 Students must comply with applicable civil and criminal laws while on and off campus. Violation of applicable laws or breaches of this policy while off campus, may result in disciplinary action if the conduct has a connection to the interest of MHC or members of the Medicine Hat College Community.
- 5.2 Behaviour defined as Student Non-Academic Misconduct in this policy will not be tolerated and will be subject to disciplinary action up to and including suspension, dismissal, or expulsion.
- 5.3 MHC will act to safeguard the security and safety of all members of the Medicine Hat College Community.
- 5.4 MHC will act to safeguard college property including but not limited to facilities and equipment.
- 5.5 Lack of awareness of the regulations, cultural differences, mental health issues and/or impairment by alcohol or drugs are not a defence for prohibited behaviours.
- 5.6 Members who witness or are subject to Student Non-Academic Misconduct behaviour have the right to bring their concerns forward and have them addressed without fear of reprisal.
- 5.7 MHC will make every effort to ensure that any complaint is treated confidentially except as necessary to investigate and to respond to any legal and/or administrative proceedings arising under this policy. The college will ensure that the collection, use and disclosure of any personal information associated with the complaint shall comply with the Freedom of Information and Protection of Privacy Act (Alberta) and other applicable laws.
- 5.8 Complaints will be dealt with in a fair, unbiased and timely manner and determination of whether an offence has occurred will be based on the balance of probability.
- 5.9 Frivolous or vexatious complaints may lead to discipline, up to and including suspension, dismissal or expulsion.

6. RESPONSIBILITIES

- 6.1 **Students** are responsible for
 - (a) not engaging in behaviour that constitutes Student Non-Academic Misconduct;
 - (b) ensuring they understand and comply with this policy;
 - (c) not making allegations of Student Non-Academic Misconduct that are frivolous or vexatious complaints;
 - (d) reporting complaints about other students to the Activity Supervisor for resolution;
 - (e) not retaliating against anyone who has made a complaint, given evidence or assisted anyone else in making a complaint; and

- (f) co-operating when requested, in the investigation and/or resolution of complaints under this policy.

6.2 Activity Supervisors are responsible for

- (a) ensuring they are aware of their own responsibilities under this policy;
- (b) if safe to do so, acting immediately upon any observed or reported incident/situation involving Student Non-Academic Misconduct;
- (c) treating each situation that could constitute Student Non-Academic Misconduct as a serious matter;
- (d) making every effort to resolve the matter immediately and informally as long as there is no threat of harm to themselves, others present or the student in question;
- (e) contacting Campus Security for any incidents as required;
- (f) informing all parties that there are to be no reprisals against any member making a complaint or participating in an investigation;
- (g) ensuring parties are aware of their rights and options;
- (h) providing support to students who are experiencing the effect of Student Non-Academic Misconduct; and
- (i) consulting with the supervisor if the situation cannot be resolved between parties.

6.3 Deans are responsible for

- (a) being aware of their own responsibilities under this policy;
- (b) responding to complaints when referred to them;
- (c) suspending students from classes when warranted; and
- (d) referring complaints to the Manager, Student Supports for investigation.

6.4 The Manager, Student Supports is responsible for

- (a) being aware of their own responsibilities under this policy;
- (b) responding to complaints when referred to them;
- (c) investigating complaints of Student Non-Academic Misconduct;
- (d) determining, using the balance of probability, what actions are to be taken based upon the investigation;
- (e) imposing appropriate penalties and sanctions; and
- (f) documenting and informing parties of the outcome of the investigation.

6.5 The Dean of Student Services/Registrar is responsible for imposing appropriate sanctions up to and including dismissal or expulsion from MHC.

6.6 The Vice-President, Academic and Provost is responsible for chairing an ad hoc Student-Non Academic Misconduct Appeal Committee.

6.7 Campus Security is responsible for responding to incidents when requested by the supervisor, or if they themselves observe Student Non-Academic Misconduct.

6.8 Students' Association is responsible for

- (a) helping students understand the policy and applicable procedures;
- (b) being available to support students; and
- (c) recommending a student representative to sit on the appeal committee.

7. APPLICABLE LEGISLATION/REGULATIONS

Alberta Human Rights Act, RSA 2000, c A-25.5
Freedom of Information and Protection of Privacy Act (Alberta)
Canada's Criminal Code, RSC 1985, c. C46
Alberta Occupational Health and Safety Act, RSA 2020

8. RELATED POLICIES

GA-04: Freedom of Information and Protection of Privacy
HR-01: Respectful Work and Learning Environment
HR-10: Code of Conduct
6.8: Weapons and Controlled Materials

9. RELATED PROCEDURES

PR-SD-04-01: Student Non-Academic Misconduct
PR-GA-04-01: Freedom of Information and Protection of Privacy
PR-HR-01-01: Respectful Work and Learning Environment Complaint Resolution

10. OTHER RELATED INFORMATION

Student Rights and Responsibilities (Academic Calendar)
Residence Handbook
Rattlers Student Athlete Handbook

ORIGINAL COPY SIGNED

Kevin Shufflebotham
President and CEO

Date: November 18, 2020

ORIGINAL COPY SIGNED

Vicky Roy
Vice-President, Academic and
Provost

Date: November 18, 2020

DOCUMENT HISTORY

September 2015	Policy approved
November 2020	Revised policy approved.