

**Policy Title: Student Non-Academic Misconduct**

Policy Approver: President's Office

Policy Holder: Vice-President, Academic and Student Services

Executive Lead: Office of the Registrar

Category: Operational

Original Date: June 2020

Next Review: June 2022

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**Policy Statement**

Yukon University acknowledges that we work and learn throughout the traditional territory of, and in partnership with, Yukon First Nations, and we honour and respect Yukon First Nations' knowledge, worldviews, cultural and traditional practices, and educational priorities in all we do.

Yukon University holds itself and its students to high standards of conduct, and is shaped by our shared values of innovation and discovery, inclusiveness and diversity, leadership and diversity, northern identity, integrity and academic freedom, health and wellness, and achievement and academic excellence. The University expects students to conduct themselves in a manner consistent with these values to build and sustain a working and learning environment where students, faculty, staff, and the institution can thrive.

Yukon University prioritizes resolving misconduct by informal processes or restorative practices, which may be supported as appropriate by students, staff, faculty, and/or culturally appropriate support persons.

Where an informal resolution has not been possible, the University will seek a developmental and restorative approach to student misconduct.

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Revised:

Revised:

Revised:

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Revised:

**Approval Statement**

With the consent of the Senior Executive Committee and approval of the President of Yukon University, this policy is hereby deemed in effect the 1<sup>st</sup> day of September, 2020.



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President, Yukon University

June 26, 2020

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Date

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## 1. Purpose of Policy

The University is committed to working with our First Nation partners to engage in reconciliation, informed by indigenous ways of knowing, being, and doing, and to be a diverse, dynamic and welcoming learning community. This policy is designed to support these goals by:

- helping foster a community across its campuses characterized by accountability, respect, fairness, and safety;
- identifying what constitutes student non-academic misconduct;
- setting out transparent processes for submitting, investigating and resolving allegations of student non-academic misconduct;
- creating culturally appropriate pathways – appropriate to the community, to the people, and to the available resources – for students who have engaged in non-academic misconduct to repair the harm their misconduct has done and rejoin the university community; and
- articulating the rights and responsibilities of students involved in non-academic misconduct proceedings.

This policy is intended to be used in the following ways:

- where the University has exhausted its attempts at using restorative practices or informal resolution, or the student named in a formal complaint is not interested in participating in those approaches;
- to continue to build and support a healthy and thriving university community;
- to ensure students who engage in misconduct will have access to appropriate cultural and/or university supports; and
- to prioritize treating students in a manner that promotes accountability, fairness, and healing, over treating students punitively.

## 2. Governing Legislation and Relevant Documents

Yukon University Act

Canadian Charter of Rights and Freedoms

Yukon’s Access to Information and Protection of Privacy (ATIPP) Act

Collective Agreement

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Academic Regulations  
Yukon University Code of Ethics  
Yukon University Institutional Values  
Harassment Policy  
Sexualized Violence Prevention and Response Policy  
Substance Use Policy  
Threat Assessment Policy

### 3. Scope

This policy applies to the conduct of students in university spaces, when participating in a university activity, or when the individuals or activity can be related to the University. Student misconduct that violates either the traditional or modern laws of a First Nation, including laws respecting people, animals, land, and water, will be dealt with by guidance and direction from the governing nation.

This policy does not address academic appeals or matters related to academic integrity as set out in the Academic Regulations.

Anyone may submit a formal complaint of non-academic misconduct against a student, where the misconduct is said to have occurred in a university space or in connection with a university activity.

This policy continues to apply to a student who withdraws from Yukon University or takes a leave of absence if the student was registered, enrolled, or participating in a course or program at the time that the misconduct was said to have occurred.

The University may take action beyond the scope of this policy where it reasonably believes that immediate action is required to:

- protect the health or safety of any individual or the university community;
- prevent damage or destruction of the University's facilities, infrastructure or assets;
- or
- remove a student from a university space or a university activity, limit a student's use of the space, or impose other interim measures where there is a high potential of risk to themselves or others posed by the student's continued presence.

In such cases, the University's actions will be guided by its Threat Assessment policy, Emergency Response Plan, and other applicable university policies and practices.

The University may apply this policy where the matter is also being investigated or reviewed by a law enforcement agency or authority external to the University, and the University may take action regardless of any other discipline applied externally.

The University will respond to complaints of sexualized violence involving students in accordance with the University's Sexualized Violence Prevention and Response Policy.

If the misconduct is said to have occurred in a Campus Housing space, that complaint will be addressed by Campus Housing's policies, contracts, and community standards. All other student non-academic misconduct will be addressed through this policy, regardless of whether the student lives in Campus Housing.

The University will involve appropriate law enforcement agencies, if and as required.

#### 4. Definitions

- **Alternate Dispute Resolution:** the resolution of conflicts, disputes, or misconduct that does not involve a formal investigation.
- **Complainant:** an individual who makes a formal complaint of non-academic misconduct.
- **Non-Academic Misconduct:** includes but is not limited to any of the following types of conduct in university spaces or in connection with a university activity:
  - discrimination against a person or group, including but not limited to discrimination based on ethnicity, socioeconomic status, sexual orientation, or gender;
  - disruptive or dangerous behaviours to self or others;
  - theft, damage or destruction of property or assets;
  - fraud or impersonation;
  - violations of the university's Substance Use policy;
  - other activities that result in criminal charges or conviction or a court judgment.

*Appendix “A” provides detailed examples of Non-Academic Misconduct which may engage the processes and sanctions outlined in this policy and its associated procedures.*

- **Participant:** an individual who participates in a proceeding – typically a hearing linked to an investigation, or a process forming part of a restorative practice – connected to a student non-academic misconduct allegation.
- **Respondent:** a student who is said to have committed non-academic misconduct.
- **Support person:** an individual who provides support or advice to a participant engaged with this policy. A support person can be selected by a participant or provided by the University, and may be a student, staff member, faculty member, and/or culturally appropriate community member. A support person does not normally speak on behalf of a participant.
- **Restorative Practice:** any number of practices or approaches designed, in the event of harm to an individual or community, to strengthen relationships between individuals as well as social connections within communities.
- **Restorative Justice:** a process where behavioural issues are examined by identifying the impact/harms of behaviour and creating an agreement that restores the community by addressing the harms, and that rebuilds trust among involved parties. There is a focus on education and community-building throughout the process. Individuals disrupting the community learn about the impact of their behaviour and attempt to repair the harm to the community, and those who are harmed by the behaviour learn to voice their needs and participate in the resolution.
- **Student:** includes any of the following persons:
  - a person who is registered, enrolled, or participating in any course or program (credit or non-credit) offered by the University;
  - an undergraduate who has been enrolled at the University for one or more of the last three terms and is eligible to continue in a program of study;

- a person enrolled at another college or university but who is studying or researching at Yukon University, or who is otherwise involved with university activities;
  - this includes undergraduate and graduate students from other institutions hosted at Yukon University;
- a visiting, exchange, or audit student who has been granted admission to or has registered with the University for the purposes of taking courses or participating in research activities.
- **University Activity:** any activity that is directly connected to the operations of the University at any location (including online learning environments), voluntary or mandated university-supported cultural or traditional ecological knowledge gatherings, or any activity where a student or group of students is representing the University.
- **University Community:** includes:
  - credit and non-credit students, including distance students and continuing education students;
  - employees, including faculty, support staff, term employees, and casual employees;
  - anyone holding a university appointment;
  - post-doctoral fellows;
  - all persons who are employed under contracts with university faculty members as the employer and who provide research or administrative services directly supporting faculty members' research and/or scholarly activities;
  - visiting scholars, research associates, and adjunct faculty;
  - anyone contractually required to abide by university policies;
  - anyone volunteering with a university program or activity, including those receiving honoraria for their contributions;
  - members of the wider public who are not enrolled in any credit or non-credit course but who are nonetheless using a university service;
  - members of the Board of Governors and Senate; and

- anyone who ordinarily resides on campus because of their relationship with the University.

## 5. Guiding Principles

### 5.1 Principles That Inform This Policy

- The University is committed to promoting a safe, respectful and supportive learning, living, and working environment. As part of the university community, each student is responsible for their personal conduct as it affects the university community, university activities and the University's spaces;
- The University honours and respects that all of its campus spaces within Yukon are on the traditional territories of Yukon First Nations, and we honour and respect that their inherent jurisdictions, laws, values and principals apply;
- Students who are in university spaces and/or participating in a university activity are expected to assume responsibility for their actions, follow the laws that apply to the land that they are visiting, and respect the rights, privileges, and safety of others;
- The university is committed to providing clear and transparent processes and pathways in its application of this policy, and is committed to the principles of fairness and inclusivity;
- The university recognizes its responsibility to be proactive in creating a culture of fairness of inclusivity, and being responsive to complaints of non-academic misconduct;
  - Participants using this policy can expect the university to:
    - treat them with fairness, dignity, and respect;
    - respect indigenous ways of knowing, being, and doing;
    - respect cultural diversity amongst all students;
    - provide timely access to support, resources, and referrals;
    - provide or encourage access to appropriate supports for participants;
    - have an opportunity to have any aspect of the process explained to them, including available options and potential outcomes;
    - where appropriate, provide opportunities to engage in alternate dispute resolution pathways, including but not limited to restorative practices which may include reciprocity or community accountability;

- provide a fair and unbiased process;
- keep their information private (except when disclosure is required by law or university policy; see section 4.03 of the procedures);
- provide information, as requested, on what stage the process is at; and
- take reasonable steps to provide access to the non-academic misconduct process for participants with accessibility or other needs (e.g., language interpretation, participants with disabilities, international students, etc.).

*An overview of the rights of Complainants and Respondents who engage in the non-academic misconduct process is set out in the procedures, section 4.01.*

## 5.2 Principles That Limit This Policy

This policy and its procedures will not be interpreted to:

- limit the university president’s authority to deal summarily with any matter of student discipline in accordance with Section 35 of the Yukon University Act;
- unreasonably limit demonstrations or assemblies that are safe, non-violent, and non-destructive;
- unreasonably limit the free expression and exchange of ideas; or
- prevent any member of the university community or member of the public from proceeding with criminal or civil actions independent of any action(s) taken by the University.

## 6. Other Related and/or Accompanying Documents

Addendum A – Policy Communication Checklist

VPA 2.1 – Student Non-Academic Conduct Procedures

Formal Complaint of Non-Academic Misconduct Form

Appendix A: Examples of Non-Academic Misconduct

## 7. Document History

Include all updates here, including housekeeping changes, beginning with formal approval.

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<i>Date</i>	<i>Update</i>
June 2020	Approved by Yukon University President.

### ADDENDUM A - POLICY COMMUNICATION CHECKLIST

Policy Name: Student Non-Academic Misconduct Policy

Number: VPA 2.0

Submitted by: Wally Rude

List those consulted with in preparation of this policy:

Name	Department	Date
Michael Kulachkosky, Wendy Kitchen, Orlanna Aubichon, Andrea Clark	Ad hoc committee	Fall of 2019 to spring of 2020
Davida Wood and Jeni Cook	First Nations Initiatives	Fall 2019
Various	Dean's Council	March 2020
Various	Student Union	April 2020
Tosh Southwick, Davida Wood, Jeni Cook	First Nations Initiatives	May 2020
David Silas	YukonU Research Centre	May 2020

This checklist must be completed prior to the final draft of a policy being presented to SEC for presidential approval.

Body	Communication Planned	Completed	Comments
SEC	Yes	Yes	
Student Union	Yes	Yes	
Employee's Union	Yes	Yes	
Occupational Health and Safety	No	n/a	
Senate	Yes	Yes	
Board or a Board subcommittee	No	n/a	
Other			
SEC for Final Review	June 2020		