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Parent Policy: [Student Conduct Policy](#)

Student Misconduct Complaint Procedure

Office of Administrative Responsibility:	Vice-Provost and Dean of Students
Approver:	General Faculties Council
Scope:	This procedure applies to all University of Alberta students as defined in this policy.

Overview

As an institution of higher learning, the University adopts procedures that reflect its academic mission, that is, they aim to foster a safe, vibrant and supportive **learning environment**, and, wherever possible, encourage rehabilitation, learning, remediation and personal accountability for students in violation of the *Student Conduct Policy*. **Non-disciplinary accountability options** for resolution are also available, including educational, restorative, and other facilitated processes to create space for interpersonal accountability, with or without a complaint.

The University is committed to equity, **procedural fairness** and **trauma-informed** practice to reduce harm in the student conduct process and to ensuring there are timely and accessible processes to report, investigate, adjudicate and/or resolve complaints of student misconduct, as defined in Schedule A and Schedule B of the *Student Conduct Policy*.

Trauma-informed practice is beneficial to all parties involved in any complaint. Consequently, the procedures related to student misconduct use an investigative model. Parties to a complaint are provided the opportunity to respond to any evidence, information,

or claims that do not support their account, without adversarial face-to-face encounters. The intent is to create safer spaces, reduce (re)traumatizing processes, and foster conditions in which the parties are able to provide the highest quality information. In contrast to an adversarial model, the investigative model also creates a safer space for a respondent to take responsibility for the harm caused by, and be accountable for, their conduct.

Different types of **misconduct** may have differential effects on the parties to the complaint and, therefore, require flexibility regarding the determination as to who will act as **complainant**. In particular, interpersonal misconduct, as defined in Schedule A of the *Student Conduct Policy*, can be traumatic and may result in academic difficulties and physical and/or mental health challenges for those subjected to it. Complaint processes that adjudicate allegations of interpersonal misconduct can also be harmful and further traumatize the parties involved in a complaint.

Where the University accepts a complaint, the respondent and the complainant, along with any witnesses, provide statements to an impartial **investigator**, along with all available information and evidence. The investigator conducts a thorough investigation and submits an investigation report to the Student Conduct Officer for consideration. The Student Conduct Officer holds **hearings** with the **parties** based on the information in the investigation report and makes a determination as to whether the **respondent** is in violation of the *Student Conduct Policy*, and appropriate sanction(s), if any.

Purpose

The purpose of this procedure is to:

- foster a culture of accountability through restorative and other facilitated processes and non-disciplinary accountability options;
- provide a process for the application of **interim measures** to ensure the safety of, and equal access to, the learning environment;
- describe how the complaint process starts;
- set out the conditions to be met for the acceptance of a complaint and the recourse available for cases in which the University declines to accept a complaint and proceed with an investigation;
- describe the investigation process and the timelines for completion of an investigation report;
- describe the procedures for the Student Conduct Officer and the nature of the hearings before the Student Conduct Officer and the timelines for the issuing of their decision on the complaint; and

- describe the service of documents related to the complaint.

Procedure

1. Voluntary Accountability

- a. Individuals who have been subjected to misconduct may work with the Office of the Dean of Students to explore any available non-disciplinary accountability options. These options can take a wide variety of forms with differing requirements, but can only occur when the parties agree to participate in good faith.
- b. Where a complaint process is preferred, or where non-disciplinary accountability options are unavailable, inappropriate, unsuccessful or unsatisfactory, the **reporting individual** may make a complaint.

2. Interim Measures

- a. Interim measures are non-disciplinary conditions or restrictions that may be applied to a student alleged to have committed misconduct. The **Dean of Students** may apply interim measures whether or not a complaint has been made.
- b. The University may apply interim measures where it receives reasonably credible information that would:
 - i. if proven, constitute misconduct; and
 - ii. with regard to all of the circumstances, establishes that there may be a risk to an individual, the learning environment or the integrity of any potential investigation.
- c. The purpose of interim measures is to establish or restore a safe learning environment for the reporting individual and community, discourage or prevent further harm, protect confidentiality, minimize disruption to the learning environment and/or preserve the University's ability to conduct a thorough investigation.
- d. Having regard to all of the circumstances, where interim measures are applied, they must have a rational connection to the purpose to be served, be proportionate to the impact of the alleged conduct, and be as minimally restrictive as possible to achieve their purposes. As a result, interim measures will be based on considerations including, but not limited to:
 - i. the needs of the reporting individual, and their right to a safe and supportive learning environment;

- ii. the safety of the learning environment;
 - iii. the nature and/or impact of the alleged conduct;
 - iv. reasonably credible information about patterns of conduct or previous history of misconduct;
 - v. the potential impact of the measures on the student under allegation, including on their academic program;
 - vi. the potential impact of the measures on the learning environment; and
 - vii. any other relevant information.
- e. Examples of interim measures can be found on the University's *Interim Measures Examples and Support* web page.
- f. The Dean of Students may consult as needed in determining whether to apply interim measures and the nature of those measures.
- g. In all cases, decisions on interim measures must be provided in writing to the student to whom interim measures are applied and include:
- i. A description of the alleged conduct;
 - ii. particulars of the measure(s);
 - iii. information about the right to request a reconsideration;
 - iv. information about relevant complaint processes, if applicable; and
 - v. referrals to supports and/or services.
- h. The substance of the interim measures will also be communicated to the reporting individual and any other individual, department or unit only as necessary to administer the interim measures.
- i. The student to whom interim measures are applied may request a reconsideration from the Dean of Students after sixty (60) days or such earlier time as agreed to by the Dean of Students, or at any time based on a change in circumstances or new information.
- j. At any time, the Dean of Students may, based on new information or a change in circumstances, reconsider the interim measures applied and renew, revise, or revoke any or all of the measures, or apply additional interim measures, with written reasons for any changes.
- k. The Dean of Students must review any existing interim measures, at minimum,

every four months and communicate the result of that review with reasons to the reporting individual, the person to whom the interim measures are applied and any other person and as needed to administer any changes.

3. Starting the Complaint Process

- a. The complaint process under the *Student Conduct Policy* and this procedure begins at the Office of the Dean of Students. After being informed of available options, a reporting individual can initiate the complaint process by providing the Dean of Students with a general overview of the conduct at issue including:
 - i. the nature of the alleged misconduct;
 - ii. name of the person alleged to have committed the misconduct; and,
 - iii. approximate dates, times and locations of the alleged misconduct.
- b. The purpose of this general overview is to enable the Dean of Students to determine whether to accept a complaint. As a trauma-informed practice, the Dean of Students will not take a detailed statement from the reporting individual.
- c. The complaint process may also be initiated by any University official who believes that conduct constitutes a violation.

4. Accepting a Complaint

- a. Based on the overview provided by the reporting individual, the Dean of Students will accept a complaint and refer it for an investigation where the following conditions are met:
 - i. the described conduct, on the face of it, has a real and substantial link to or a material effect on the learning environment; and
 - ii. the described conduct, on the face of it, constitutes a violation as defined in Schedule A or B of the *Student Conduct Policy*; and
 - iii. in the case of Schedule B misconduct, the violation occurred within one year of the report, or within such other time period as may be allowed at the discretion of the Dean of Students.
- b. Normally within three weeks of receiving a complaint, the Dean of Students will provide written reasons to the reporting individual where it declines to accept the complaint. The reasons for the decision will include a link to this policy, information regarding the right to appeal this decision, the appeal deadlines, the appeal procedures, and where on-campus assistance is available.

- c. The reporting individual may appeal the decision not to accept the complaint in writing to the Student Conduct Officer within 15 working days of the deemed receipt of the reasons for the decision not to accept the complaint.
- d. If the Student Conduct Officer decides that the decision not to accept a complaint was reasonable under the circumstances, a written decision with reasons will be provided and no further proceedings will be taken respecting the complaint under the *Student Conduct Policy* or this procedure.
- e. If the Student Conduct Officer decides that the decision not to accept the complaint was not reasonable under the circumstances or if new information has come to light, the Student Conduct Officer will request that an investigator be assigned to the matter.
- f. On accepting a complaint, the Dean of Students will offer the reporting individual the following options:
 - i. to be the complainant;
 - ii. to participate as a witness only and, where this occurs, the Dean of Students will appoint a person to be the complainant; or
 - iii. to withdraw from the process and any further contact regarding the process; however, without a statement to the investigator from the reporting individual, a complaint may not be able to proceed (see section 11 “Participation in an Investigation” in the *Student Conduct Policy*).
- g. Where a complaint involves Schedule B misconduct against the University, the **Director** of the affected unit will be the complainant.
- h. Where a report contains both Schedule A and B misconduct, and the misconduct affects both a reporting individual and a University unit, the Dean of Students will determine who will act as complainant(s), in accordance with the above, on behalf of either or both the reporting individual and the Director.

5. Investigation and Referral

- a. When a complaint is accepted and the complainant identified, an investigator will be assigned to conduct a trauma-informed investigation, which will normally consist of taking detailed descriptions of the incident from both parties in the form of recorded or written statements, and collecting any other supporting statements from witnesses or other types of evidence.

- b. Wherever possible, the recorded or written statements will be used in lieu of asking the parties to repeat their accounts throughout the investigation and decision-making process.
- c. Complainants, respondents and any witnesses present all of the information and evidence they have to the investigator. Where they are aware of any other information or evidence, they should alert the investigator to its existence.
- d. Prior to completing the investigation, the investigator will provide all participants in the investigation with the opportunity to review and make any corrections to their account, as summarized by the investigator, or provide any additional information or evidence.
- e. Having completed the investigation, the investigator will prepare an investigation report, including the following:
 - i. A description of the respondent's alleged misconduct;
 - ii. an overview of the facts based on the information and evidence gathered during the investigation; and
 - iii. wherever possible, observations about social or physical features in the learning environment which may have contributed to, allowed, tolerated, or encouraged the misconduct.
- f. Once completed, the investigator will forward the investigation report to the Student Conduct Officer for hearing and decision.
- g. Depending on the complexity of the case, the number of witnesses involved, and the amount of evidence to be collected, the investigation report will normally be completed within 6 weeks. Where the investigation report cannot be completed within this timeline, the investigator will give the parties notice of the anticipated timeline for the investigation report.

6. Student Conduct Officer Hearings

- a. On receipt of the investigation report, the Student Conduct Officer will:
 - i. provide reasonable disclosure of the investigation report to the complainant and respondent;
 - ii. invite each party to individual hearings with the Student Conduct Officer; and
 - iii. inform them of the purpose of the hearing and their right to bring an **advisor** and/or support person.

- b. The Student Conduct Officer will conduct trauma-informed hearings with the parties and their advisors and/or support person. Hearings will normally be in the form of virtual meetings with each party, with the option to request other formats such as in writing or in-person hearings. The format of the hearing will take into account specific requests from the complainant and respondent and the nature of the case at hand. The Student Conduct Officer may receive submissions on:
 - i. procedural requests, including but not limited to requests regarding the process, timing or delays, and/or format of hearing;
 - ii. the facts of the case;
 - iii. questions or issues to raise with the respondent, complainant or witnesses; and
 - iv. the impact of the misconduct and/or of the potential sanction(s).
- c. Procedural requests must be made in writing to the Student Conduct Officer. Where the request affects the other party, the Student Conduct Officer will allow the other party to respond or make submissions on the request before making a decision.
- d. Where a party becomes aware of another individual with material knowledge about the alleged misconduct who was not reasonably available at the time of the investigation, the Student Conduct Officer will refer the matter back to the investigator to interview that individual. The process will be put on hold pending the supplemental investigation report.

7. Decision

- a. Following the hearing, the Student Conduct Officer will determine, on a **balance of probabilities**, for each alleged violation whether:
 - i. the respondent was in violation of the *Student Conduct Policy* or other applicable University policy (“Violation”); or
 - ii. the violation was not established (“No violation”).
- b. In the event that a complainant or respondent fails to participate in the hearing(s) within a specified period of time, the Student Conduct Officer will proceed to make a decision on the basis of the available evidence.
- c. Where the Student Conduct Officer finds a violation, the Student Conduct Officer will:
 - i. perform the necessary checks to determine if there is a previous record of violation(s) for the respondent;

- ii. only consider any past record of the respondent's related violations for the purpose of determining an appropriate sanction; and
 - iii. determine the appropriate sanction(s) as listed in the *Student Conduct Policy*, Schedule C.
- d. The Student Conduct Officer will provide a written decision, normally within 6 weeks of receipt of the investigation report, which will include the following:
 - i. the violation(s) alleged to have been committed by the respondent;
 - ii. an overview of the relevant evidence and arguments presented in the investigation report and during the hearing;
 - iii. a summary of the findings;
 - iv. the reasons underlying the decision;
 - v. information regarding the deadlines and procedures for appeal; and
 - vi. a list of on-campus assistance.
- e. Where the Student Conduct Officer finds a violation, the decision will also include the following:
 - i. any sanction(s) imposed by the Student Conduct Officer;
 - ii. the date any sanction(s) will take effect and other necessary details; and
 - iii. information, including any history of related violations that may have been influential in determining the appropriateness of the sanction.
- f. Where the Student Conduct Officer is not able to provide the written decision within the timeline noted above, the Student Conduct Officer will give the parties written notice of the anticipated timeline for the decision.

8. Service and Notice

- a. The Student Conduct Officer will send the decision electronically to the respondent, the complainant, their respective advisors and, where applicable, the reporting individual, using their University accounts. See the *Electronic Communication Policy for Students and Applicants* in the *University Calendar*.
- b. In addition, the Student Conduct Officer will provide a copy of the decision for information to the following individuals:
 - i. the investigator;

- ii. the Office of General Counsel; and
 - iii. the Dean of Students.
- c. The Student Conduct Officer may also provide a copy or excerpts of the decision to any other University unit as may be appropriate to administer the sanction or for other authorized purposes. For example, to units including, but not limited to, the following:
- i. where a sanction is to be noted on the respondent's **central academic record or transcript**, the Student Conduct Officer will inform the Office of the Registrar,
 - ii. where a sanction affects the respondent's academic program, the Student Conduct Officer will notify the respondent's College, or independent Faculty,
 - iii. in programs jointly offered with another institution, the Student Conduct Officer will provide a copy of the decision to the partner institution when the violation relates to the respondent's conduct at that partner institution.
- d. The Student Conduct Officer's decision is final and takes effect immediately, subject to an appeal under the *Student Misconduct Appeal Procedure*.

Definitions

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use.	
Student	A person who is or has been registered as a student at the University whether or not for credit and includes current Undergraduate and Graduate Students and postgraduate learners, former Students, and graduates who have received a Degree, diploma or certificate from the University.
Learning environment	The learning environment is to be understood broadly to encompass all aspects of University life. It includes: <ul style="list-style-type: none"> • physical and virtual spaces where University teaching, learning, work, research, residence, recreational and social activities take place;

	<ul style="list-style-type: none"> University activities, events and functions, including, but not limited to, teaching, research, studying, work, administration, meetings, public service, travel, conferences, and training; public lectures, performances, student group events, and social or sports activities.
Non-disciplinary accountability options	Collaborative facilitated processes to explore interpersonal accountability options outside of a complaint. Typically requested by the reporting individual but voluntary for all parties, interpersonal accountability options are intended to be flexible and creative, and may include, but are not limited to: restorative practices, transformative justice, culturally-specific and appropriate practices, peacemaking circles, educational and other remedial activities.
Procedural fairness	The elements of the process used by a decision-making body authorized by statute or policy to make a decision that affects an individual's rights, privileges, or interests, that give effect to an individual's right to reasonable notice of the case to meet, the opportunity to respond and the right to an impartial decision maker.
Trauma-informed	An approach to processes, procedures, and service provision that incorporates and responds to the effects of trauma. A trauma-informed approach takes into account the potential effects of trauma on cognition, memory and behaviour and incorporates steps to address the needs created by trauma and to prevent retraumatization.
Misconduct	Prohibited conduct as set out in Schedules A and B of the <i>Student Conduct Policy</i> .
Complainant	A reporting individual who elects to act as a party to the complaint or the person designated by the Dean of Students to act as a party to the complaint, on behalf of the reporting individual. Complainants have specified rights in the complaint process.

Investigator	An impartial individual who interviews complainants, respondents and witnesses; collects evidence; finds facts; and generates the investigation report that is forwarded to the Student Conduct Officer.
Hearing	The opportunity for complainants and respondents to provide or respond to information, arguments, and evidence in a complaint process. A hearing can take the form of written document exchange and/or one or more oral meetings, either virtual or in-person, between the decision maker and each of the parties and witnesses, but will not involve face-to-face encounters between the parties, each other's advisors and/or witnesses.
Party/Parties	A complainant or a respondent in a complaint under this policy.
Respondent	A student who is the subject of a complaint under this policy.
Interim Measures	<p>Non-disciplinary conditions or restrictions that the Dean of Students may apply to a student alleged to have committed a violation under this policy. Such conditions may be applied whether or not a complaint has been made.</p> <p>The purposes of interim measures are to ensure the reporting individual's safety or the safety of the University's learning environment, to remove barriers to the reporting individual's access to the learning environment, to discourage or prevent retaliation, prevent further harm and/or preserve the University's ability to conduct an investigation.</p> <p>Interim measures are not based on a finding of a policy violation, are not considered sanctions under any University complaint process, and will not be interpreted or used in a complaint as evidence that the person under allegation committed misconduct.</p>
Reporting individual	An individual who reports having been subjected to misconduct as defined in Schedule A or Schedule B of the <i>Student Conduct Policy</i> .

Dean of Students	Vice-Provost and Dean of Students, or delegate.
Director	The administrative head of any University unit, or their delegate.
Advisor	A person who assists a complainant or respondent during the complaint process. Assistance may be provided by the Office of the Student Ombuds, Student Legal Services, legal counsel or another advisor as the parties choose.
Balance of probabilities	The standard of proof required to find a violation of this policy. This standard requires that it is <u>more likely than not</u> , based on the available evidence, that the respondent was in violation of this policy.
Central academic record	A continuing record maintained by the Office of the Registrar, where all matters relating to courses, grades, and academic standing and probation are permanently recorded. Transitory notations, such as service indicators are also noted in the central academic record while they are in effect.
Transcript	A respondent's official academic record issued by the Office of the Registrar and bearing the signature of the Registrar. Information for the transcript is drawn from the central academic record. Information included on the University of Alberta transcript is found in the University Calendar.

Related Links

Information

- [Interim Measures Examples and Supports](#)
- [Electronic Communication Policy for Students and Applicants](#)
- [University Calendar](#)

Sources of on-campus assistance

- [Office of the Dean of Students](#)
- [Office of the Student Ombuds](#)
- [Student Legal Services](#)
- [Students' Union \(SU\)](#)
- [Graduate Students' Association \(GSA\)](#)
- [l'Association des Universitaires de la Faculté Saint-Jean \(AUFSJ\)](#)
- [Augustana Students' Association](#)

Other conduct policies

- [Discrimination, Harassment and Duty to Accommodate Policy](#)
- [Information Technology Use and Management Policy](#)
- [Practicum Intervention Policy](#)
- [Protocol for Urgent Cases of Violent, Threatening or Disruptive Behaviour](#)
- [Residence Community Standards](#)
- [Sexual and Gender-Based Violence Policy](#)
- [Student Groups Procedure](#)

If any of the links are broken, please contact uappol@ualberta.ca