NOSM UNIVERSITY

Procedure

NON-ACADEMIC CODE OF LEARNER CONDUCT PROCEDURES

Approval Authority: Recommended by Senate/Approved by the Board of Governors

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TABLE OF CONTENTS

1.0 Introduction and Reporting Requirements

- 1.1 How to Submit a Report
- 1.2 Required Information
- 1.3 Timing and Limitations

2.0 Initial Assessment

- 2.1 Academic vs. Non-Academic Determination
- 2.2 Appointment of Conduct Officer
- 2.3 Scope Assessment

3.0 Resolution Pathways

- 3.1 Informal Procedure
- 3.2 Formal Procedure
- 3.3 Concurrent Proceedings

4.0 University Discipline Panel

- 4.1 Function
- 4.2 Membership and Appointment
- 4.3 Conflict of Interest
- 4.4 Decision-Making Process

5.0 Interim Measures

- 5.1 Authority and Purpose
- 5.2 Criteria for Imposition
- 5.3 Reconsideration Process

6.0 Sanctions

- 6.1 Factors Considered
- 6.2 Types of Sanctions
- 6.3 Communication of Sanctions

7.0 Review and Appeal Process

- 7.1 Review of Sanctions (Non-Suspension/Expulsion)
- 7.2 Appeal of Suspension or Expulsion
- 7.3 Grounds for Review

8.0 After Submitting a Report

- 8.1 What to Expect
- 8.2 Support Resources

9.0 Notice of Decision

10.0 Confidentiality and Records Management

11.0 Related Documents

1.0 INTRODUCTION AND REPORTING REQUIREMENTS

NOSM University learners, staff, or faculty members may report alleged non-academic misconduct by emailing their report to non-academicmisconduct@nosm.ca.

1.1 How to Submit a Report

Reports can be submitted by emailing non-academicmisconduct@nosm.ca.

1.2 Required Information

Complainants must include the following information in their report:

- 1.2.1 The complainant's name and contact information.
- 1.2.2 A description of the alleged breach of community standards, including location and time.
- 1.2.3 Any witnesses and their contact information
- 1.2.4 Supporting documentation.

1.3 Timing and Limitations

The University encourages individuals to submit Reports in a timely way. The University recommends that Complainants file the Report within one (1) year of the date of the incident(s) addressed in the Report to facilitate investigation and resolution efforts.

2.0 INITIAL ASSESSMENT AND TRIAGE

2.1 Academic vs. Non-Academic Determination

The Provost will first direct misconduct reports to the academic professionalism body in the academic program in which the learner enrolls to determine if the misconduct is an academic (professionalism) conduct issue that the academic program should review as per their policies and procedures. The professionalism body will report back to the Provost by a predetermined deadline.

2.2 Appointment of Conduct Officer

If the professionalism body deems that the reported conduct is non-academic, the Provost will then appoint a Conduct Officer to assess the submitted report.

2.3 Scope Assessment

The Conduct Officer will determine:

2.3.1 Whether the reported violation falls within the scope of the Code or is best addressed by other university policy or processes, or if it should be an external process (i.e., civil, or criminal legal)

2.3.2 Whether the violation should move through the Informal Procedure or the Formal Procedure. The University will refer only those violations required to move through the Formal Procedure process to the University Discipline Panel

3.0 RESOLUTION PATHWAYS

3.1 Informal Procedure

3.1.1 The appointed Conduct Officer will work with all identified parties to find a resolution. The Officer and the identified parties may co-create sanctions for violations of the code, which the University intends to repair identified harm.

3.1.2 An informal process involves resolving a reported issue and may include remedial, educational, and/or restrictive outcomes to which the respondent agrees.

3.1.3 If the Conduct Officer cannot facilitate an informal resolution, the University will move the case to the formal procedure process and refer it to the University Discipline Panel.3.1.4 Typically an informal resolution of a non-academic misconduct report would be completed and communicated back to the complainant within 30 days.

3.2 Formal Procedure

The University will move a report to the Formal Procedure in two ways:

3.2.1 Conduct Officer Determination

The Conduct Officer may review a report and find that, based on the balance of probabilities, the respondent has committed a non-academic code violation. The Conduct Officer outlines the reasons for the findings in the report submitted to the University Discipline Panel.

3.2.2 Failed Informal Resolution

The parties found no resolution through the informal procedure.

3.2.3 Panel Review and Recommendation

In the Formal Procedure, the University Discipline Panel (UDP) will review the submitted report and the findings of the Conduct Officer. After reviewing, the panel will make a recommendation to the Provost regarding whether the Respondent has breached the Code, and/or whether the University should impose any sanctions.

3.2.4 Timeline Typicaly, the Provost will complete and communicate the report review to both parties involved within 60 days of receipt.

3.3 Concurrent Proceedings

3.3.1 Multiple Policy Violations

In circumstances where alleged conduct would constitute a violation of more than one policy applicable to student conduct, the Conduct Officer will consult first with the applicable academic professionalism body and then any other relevant parties, to determine the appropriate procedure(s) to follow in consideration of the offence and content of all policies.

3.3.2 Civil or Criminal Proceedings

The University may undertake procedures under this code before, at the same time as, or after civil or criminal proceedings. If a report of Non-Academic Misconduct has also resulted in civil or criminal proceedings against a Student, the Provost, in consultation with the academic program professionalism body will determine whether the University should suspend the case under this Code until such other proceedings are resolved.

4.0 UNIVERSITY DISCIPLINE PANEL

4.1 Function

The University Discipline Panel serves to:

4.1.1 Review cases that have violated the Non-Academic Code of Learner Conduct and make recommendations to the Provost on what sanctions the University may impose.

4.1.2 Provide a balanced consideration of cases and make determinations based on a balance of probabilities and after conducting itself according to the principles of natural

justice and procedural fairness. Where possible, the Panel should represent the whole University, including its diverse nature. The Chair may take action to ensure the University applies this principle.

4.2 Membership and Appointment

4.2.1 The Provost appoints UDP members.

4.2.2 The Provost chooses the UDP Chair on an Ad Hoc basis from among the faculty members on the panel who demonstrate an understanding of the applicable university policies.

4.2.3 The Provost invites specific voting resource members to sit on the UDP, three or more of whom would be faculty members who demonstrate understanding of the applicable university policies.

4.2.4 The UDP Chair may include other non-voting resources from Vice Deans, Associate Deans or Directors responsible for other degree or certificate-granting programs as required and at their discretion.

4.3 Conflict of Interest

4.3.1 Member Responsibilities

Members of the UDP remain responsible for recognizing and avoiding circumstances that may give rise to, or give the appearance of giving rise to, a conflict of interest between a member's direct or indirect interests and the member's obligations in conducting the business of the UDP.

A conflict of interest being any situation where an individual has personal, financial, or professional interests that may compromise or appear to compromise their ability to act impartially.

4.3.2 Disclosure Requirements

Members who have been asked to serve on the UDP must identify and disclose to the Chair any direct or indirect conflict of interest relating to a matter under review at the earliest possible time.

4.3.3 Abstention

In appropriate circumstances, as determined by the UDP Chair, a member of the UDP may be required to abstain from proceedings and discussions on an identified matter under review and should not attempt in any way to influence the decision-making on such matter.

4.3.4 Chair's Determination

Before considering the merits of any case, the UDP Chair will determine whether any member of the panel has a conflict of interest or an appearance of conflict of interest.

4.4 Decision-Making Process

The University Discipline Panel weighs the following factors when determining appropriate outcomes and sanctions to recommend to the Provost:

- Nature of the non-academic misconduct
- Impact on the Complainant and other Members of the University community
- Safety of Members of the University Community
- Education and well-being of the Respondent; and
- Any mitigating or aggravating circumstances

5.0 INTERIM MEASURES

5.1 Authority and Purpose

5.1.1 The University retains the right to impose interim measures. The Conduct Officer will communicate any Interim measures determined to be appropriate following the initial review of the Report.

5.1.2 The Learner Support Services Office will coordinate interim measures that may limit a learner's ability to attend classes in consultation with the Provost.

Examples of Interim Measures

- No-contact orders
- Temporary removal from placements
- Restrictions pending investigation

5.2 Criteria for Imposition

The University will impose Interim Measures when:

5.2.1 Needed to ensure the safety and well-being of the learner or other members of the University community, or for the preservation of university property.

5.2.2 The Respondent's presence on campus could lead to a breach of court-imposed restrictions (e.g., release or probation conditions or a peace bond including a non-association order) or where the University is unable to reasonably accommodate the conditions.

5.2.3 There is a reasonable apprehension that the Respondent poses a threat of disruption or of interference with the normal operations of the University.

5.2.4 Needed to ensure the Respondent's own physical safety.

5.3 Reconsideration Process

5.3.1 Respondents subject to interim measures can ask the decision-maker who imposed the measures to reconsider whether they are appropriate, considering the Complainant's and Respondent's interests and the need for a safe campus environment.

5.3.2 The Provost, or designate, will consult with applicable University employees and consider all relevant and necessary information, including the nature of the allegations, prior non-academic conduct involving the Respondent, and any other circumstances, when determining whether to impose Interim Measures and what the most appropriate Interim Measures might be.

6.0 SANCTIONS

6.1 Factors Considered

See Section 4.4 for factors the University Discipline Panel considers when determining sanctions.

Sanctions or remedial actions will be coordinated to ensure outcomes are proportionate, non-duplicative, and educational where appropriate.

6.2 Types of Sanctions

The University Discipline Panel may advise the Provost to impose the following sanctions upon finding that a learner has violated the Code:

6.2.1 Mandatory training and education.

6.2.2 Probation for a designated period, including the possibility of more severe disciplinary sanctions if the University finds the Respondent violating any institutional regulation(s) during the probationary period.

6.2.3 Denial of specified privileges or imposition of certain conditions upon the Respondent, which may include but are not limited to restricting access to university property, equipment, or resources, and not being permitted to register in any classes the Complainant enrolls in for a specific period.

6.2.4 Restitution.

6.2.5 Suspension of the Respondent from the University for a specified period, after which the Learner is eligible to return. The University may specify conditions for readmission.

6.2.6 Expulsion from the University.

6.2.7 Any other remedy that is within the power of the Provost to grant.

6.3 Communication of Sanctions

6.3.1 The Provost will communicate in writing what sanctions the University will impose upon the Respondent. The University will inform the Complainant of any disciplinary outcomes that directly impact them.

6.3.2 The Provost will advise the Complainant and Respondent in writing of the University Disciplinary Panel decision within three working days of receipt of the report review. The Provost will include information on available resources, such as NOSM University Learner Support Services, in the letter.

7.0 REVIEW AND APPEAL PROCESS

7.1 Review of Sanctions (Non-Suspension/Expulsion)

7.1.1 Eligibility

A Learner found in violation of the Code through the Conduct Process with a Sanction that is not Suspension or Expulsion may request that the Provost review the decision.

7.1.2 Timeline

Learners may request a review within ten (10) days of the date of receiving the decision being questioned. The Provost will address review requests.

7.1.3 Nature of Review

A review is not a rehearing of the matter.

7.2 Appeal of Suspension or Expulsion

A Learner found in violation of the Code with a Sanction that includes Suspension may appeal the decision to the Senate Appeal Committee (SAC). The appeal follows the Senate Appeal Process as noted in the Senate Appeal Policy and Terms of Reference.

7.3 Grounds for Review

The Respondent may request a review of the University Disciplinary Panel's recommendations and/or sanctions only if one of the following applies:

7.3.1 There was a serious procedural error in the handling of the Report, which was prejudicial to the Learner or might have substantially affected the decision and/or sanction.

7.3.2 The decision and/or sanction(s) are unreasonable or unsupportable on the information.

7.3.3 There is new relevant information, not available at the time of the original decision, which would impact the decision.

7.3.4 Process and Timeline

7.3.4.1 The Provost will determine if one of the above criteria applies and will notify the Learner in writing that their request for a review will be considered within 15 days.

7.3.4.2 The Provost will communicate the final decision to the Learner in writing with 30 days of having sent the notification to the learners that the review will be conducted.

The final decision concludes the review process and represents the final decision in this matter.

8.0 AFTER SUBMITTING A REPORT

8.1 What to Expect

8.1.1 After you submit a report on Non-Academic Misconduct, the Conduct Officer may contact you with a request to meet. The Officer may review the report and request additional information.

8.1.2 You may request general updates on the case. All cases are unique, and the interaction with the Officer may vary based on the circumstances of the case.

8.2 Support Resources

The University strongly encourages you to seek support through Learner Support Services, Homewood Health, or the Employee Assistance program.

9.0 NOTICE OF DECISION

9.1 When the University decides on an allegation of Non-Academic Misconduct, the University will provide the Respondent with written notice of the rationale for any decision made and of any sanction(s) to be applied.

9.2 If the University suspends (permanent or time-limited), the University will document this on the Respondent's academic record for the duration of the suspension.

10.0 CONFIDENTIALITY AND RECORDS MANAGEMENT

10.1 The Learner Support Services Office will maintain learner conduct records. The University will retain records in accordance with the University's records management policies and protocols.

10.2 University employees will access learner conduct records as required for the administration of this policy and in accordance with university policies, procedures, and applicable law.

11.0 RELATED DOCUMENTS

- Non-Academic Code of Learner Conduct
- UME Code of Conduct
- Professional Standards- Dietetic Practicum Program Policy
- Post-Graduate Medical Education Professionalism Policy

AUTHORITIES AND OFFICERS

The following is a list of authorities and officers for this policy:

a. Approving Authority: Recommendation of Senate/Board of Governors

b. Responsible Officer: Provost and Vice President Academic

c. Procedural Authority: University Registrar

d. Procedural Officer: Provost Appointed Conduct Officer

Review and Revision History

Review Period: every 3 years.

Date for Next Review: 2029