NOSM UNIVERSITY

Policy

NON-ACADEMIC CODE OF LEARNER CONDUCT

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

Established On: Senate recommened (June 11, 2026) Pending Board Approval

Amendments: n/a

Category: Board of Governors

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1.0 INTRODUCTION

The Non-Academic Code of Learner Conduct ("the Code") sets out NOSM University's expectations for learners' non-academic conduct and explains how the University will address non-academic misconduct. The Code promotes transparency, consistency, and fairness, and emphasizes an educational and restorative approach to remedies.

The University must define standards of learner behaviour and make provisions for learner discipline with respect to conduct that jeopardizes the good order and proper functioning of the academic and non-academic programs and activities of the University or its divisions, that endangers the health, safety, rights or property of its members or visitors, or that adversely affects the property of the University or bodies related to it, where such conduct is not, for the University's defined purposes, adequately regulated by civil and criminal law.

The University maintains both a (1) **Non-Academic Learner Code of Conduct** and (2) **Program-specific Professionalism Policies** to support a safe, respectful, and accountable learning environment.

(1) The Non-Academic Code of Learner Conduct applies to learner behaviour that affects the safety, well-being, rights, or functioning of the University community, regardless of whether the behaviour occurs on campus, online, or in the community. Nothing in this Code supersedes any Academic Program requirements, including but not limited to those related to assessment of professionalism

(2) As an academic community, the University governs behaviours directly related to a learner's academic, clinical, or professional responsibilities through standards such as those contained in the program specific professionalism policies and standards.

In some situations, a single incident may raise concerns under both the non-academic and academic behavioral bodies. In such cases, the University may address the matter concurrently or in consultation with the academic program professionalism bodies, determine the most appropriate process based on the primary nature of the concern.

Learners remain responsible for complying with the policies and codes of conduct of any organization where they engage in program-related activities, including hospitals, clinical placements, and partner universities. This Code applies in addition to, and does not replace, those requirements.

The Code:

- Defines learner rights, responsibilities, and expectations.
- Identifies behaviours that constitute non-academic misconduct.
- Ensure transparency and predictability in processes.
- Outlines how the University will address misconduct; and

- Encourage learners to help create an environment that respects diversity and treats all members with dignity and respect.

NOSM University supports the expression and challenge of diverse perspectives, including those that may be unconventional or difficult. Nothing in this Code prohibits peaceful assemblies, lawful picketing, or freedom of expression. The University's Policy Statement on Free Speech further outlines these principles within the context of a society where laws exist, values may conflict, and interests compete.

2.0 DEFINITIONS

Complainant: Any Member of the University Community or broader community who brings forward a Report under the Code and its procedures.

Conduct Officer: The Provost-appointed administrator responsible for reviewing the alleged misconduct and reporting to the University Discipline Panel and/or Provost.

Conduct Process: Any process addressing conduct under this policy and procedures, including meetings, hearings, and review processes.

Learner: An individual registered in a course of study at NOSM University, either full-time or part-time, pursuing undergraduate, graduate, or non-degree programs.

Knowing: In this Code, where an offence is described as depending on "knowing", the offence shall likewise be deemed to have been committed if the person ought reasonably to have known.

Members of the University Community: Members of the NOSM University community include, but are not limited to, staff, faculty, librarians, professional staff, Board Members, stipendiary faculty, medical residents, students, all NOSM University registered and visiting learners (e.g. postgraduate residents, undergraduate students, graduate students, health sciences students), volunteers, visitors, observers, and third-party contractors while they act in a capacity defined by their relationship with the University, as well as institutional administrators and officials representing NOSM University.

Report: Making a Report initiates the procedures related to the Code. A Report may prompt an internal or external review and may result in a range of possible measures and sanctions.

Respondent: The learner against whom others have made allegations of a breach of the Code. Use of this term does not imply pre-determination that the Respondent is culpable or has engaged in misconduct.

Sanction(s): A co-created, developmentally and educationally based outcome that repairs identified harm(s) and is appropriate given the unique context of each case. The University can use sanctions independently or in combination for any single violation or violations of this Code.

Support Person: An inactive participant in any conduct meeting available to support the learner through the Conduct Process Any learner involved in the Conduct Process may request the assistance of a Support Person who may be internal or external to the University. . Note: Support person may *advise* but not *speak on behalf of* the learner.

University Discipline Panel: An ad hoc committee convened and chaired by the Provost to provide recommendations on breaches of the Non-Academic Code of Learner Conduct. Committee membership is determined based on the learners' program and/or the specific expertise required, depending on the nature of the breach; however, the procedural document will guide the Provost to ensure adequate representation.

University Property: All buildings or property owned, leased, or operated by the University.

3.0 PROCEDURAL FAIRNESS

The procedures for handling offences reflect the gravity with which the University views such offences. At the same time, these procedures represent the University's commitment to fairness.

Fairness is fundamental when dealing with students. Students have the right to be informed of policies, procedures or guidelines that may affect their academic progress or their conduct and have the right to question whether decisions are consistent with those policies, procedures or guidelines.

Each student is entitled to:

- a presumption of innocence unless the contrary is established.
- be made aware of the case against him/her.
- have matters addressed fairly and expeditiously.
- be accompanied by a support person to any meeting with administrators and to any hearing.
- have matters heard by those who are not sitting in judgment of their own actions or decisions.
- know, respond to and seek clarification of evidence presented by witnesses; and
- decisions based on the balance of probabilities with consideration given to consistency and University precedent.

4.0 JURISDICTION AND SCOPE

Upon enrollment in a program or course(s) at NOSM University, the learner accepts the rights and responsibilities of membership in the University's academic and social community. The University expects learners to uphold conduct that supports the University's mission, fosters an environment for intellectual and personal growth, and respects the rights, property, and well-being of all members and visitors. The University prohibits conduct that endangers or adversely affects the health, safety, rights, security, or property of the University or its Community.

University members are not, as such, immune to the criminal and civil laws of the wider political units to which they belong. Provisions for non-academic discipline should not attempt to shelter students from their civic responsibilities nor add unnecessarily to these responsibilities. Conduct that constitutes a breach of the Criminal Code or other statute, or that would give rise to a civil claim or action, will often be adequately dealt with by the appropriate criminal or civil court. In cases, however, in which criminal or civil proceedings have not been taken or would not adequately protect the University's interests and responsibilities as defined below, proceedings may be brought under a discipline code of the University, but only in cases where such internal proceedings are appropriate in the circumstances.

4.1 Application of the Code

This Code applies to non-academic misconduct by a learner or group of learners that occurs:

4.1.1 On University property

4.1.2 Off University property, including online, where:

4.1.2.1 A learner participates in a sanctioned University activity

4.2.2 A learner represents, claims to represent, or could reasonably be perceived as representing the University. (e.g., wearing uniforms, using university email, participating in placements)

4.1.3 In the context of an academic program, including:

4.1.3.1 Any class activity (e.g. lectures, tutorials, labs, classroom discussion forums) on or off university property or online

4.1.3.2 Any organized academic activity (e.g. Field placements, exchanges, clinical placements, field trips, internships, practicums or research activities) occurring virtually or off university property

4.1.4 At a program, event or activity not hosted, sanctioned, sponsored, or organized by the University that, because of the nature of the program, event or activity and/or the number of learners involved, might reasonably be seen to have a direct or indirect association with the University

4.1.5 For any other online conduct where such conduct has, or might reasonably be seen to harm, interfere with, or threaten the proper functioning of the University, its mission, the rights of a fellow learner or other member of the University community to use and enjoy the University's learning and working environments, or that raises concerns for the health, safety or security of any individual who is on campus or participating in a University Program, Event or Activity.

This provision is not intended to restrict lawful freedom of expression as protected under section 3.2. Expression of ideas or opinions alone does not constitute misconduct unless it involves harassment, threats, discrimination, or other conduct prohibited by this Code or applicable law.

4.2 Protections for Lawful Expression and Assembly

Nothing in this Code prohibits learners' participation in lawful and peaceful public assemblies and demonstrations, nor inhibits learners' lawful and non-violent freedom of expression. This does not, however, exempt a learner who is also an employee of the University from employment-related obligations.

4.3 Collective Agreements

Nothing in this Code replaces or supersedes any complaint, grievance or appeal process set out in any collective agreement to which the University is a party.

4.4 Relationship with Civil and Criminal Proceedings

The University may subject any learner found responsible for misconduct to the disciplinary sanctions of this Code, regardless of the action or inaction of civil authorities. Nothing in this Code precludes the University from referring an individual matter to the appropriate law enforcement agency before, during, or after the University takes disciplinary action under this Code. A learner may be subject to criminal prosecution and/or civil proceedings notwithstanding, and in addition to, disciplinary action taken by the University against the learner under this Code.

4.5 Withdrawal or Leave of Absence

This policy continues to apply to a learner who withdraws from the university or takes a leave of absence, if the learner was registered, enrolled, or participating in a course or program at the time that the alleged non-academic misconduct occurred.

5.0 RETALIATION AND REPRISAL

NOSM University will not tolerate any retaliation or reprisal through any means, including social media or other electronic media, against anyone who reports non-academic misconduct, makes a report, participates in a university process addressing allegations of non-academic misconduct under this Code. Retaliation, threat of retaliation, or reprisal may result in further disciplinary action under this Code or other University policies.

6.0 TYPES OF NON-ACADEMIC MISCONDUCT

The types of non-academic misconduct described below are examples and are not intended to be exhaustive.

6.1 Abuse of Process

6.1.1 Failure to comply with this Code.

6.1.2 Knowingly making a false report or helping someone else to make a false report of misconduct using this Code.

6.1.3 Interference with the administration of this Code, such as:

6.1.3.1 Making a misrepresentation or false statement during an investigation or proceeding

6.1.3.2 Trying to discourage any individual's participation in, or use of, a misconduct process

6.1.3.3 Any direct or indirect retaliation (e.g., through coercion, intimidation, threats or social pressure) against a Complainant or a potential witness in a misconduct case

6.1.3.4 Disrupting or otherwise interfering with the orderly conduct of a misconduct proceeding

6.1.3.5 Electronically or digitally recording, in any format, a misconduct proceeding without the express permission of the Chair of the proceedings

6.1.3.6 Harassing (physically, verbally, or in writing), intimidating or attempting to influence the impartiality of any individual in a decision-making role in a misconduct process

6.2 Alcohol, Cannabis and Drugs

6.2.1 Consumption of cannabis or alcohol on NOSM University Property, except where the Policy of the learning facility/building where the learner is located expressly permits it.

6.2.2 Consumption or possession of alcohol or cannabis by a person under the age of 19 or furnishing alcohol or cannabis to a person under the age of 19.

6.2.3 Cultivating or growing cannabis on university property, except as may be related to university research.

6.2.4 The act(s) of selling, giving or administering a narcotic or controlled substance, or the attempt or offer to do so, except as expressly permitted by law.

6.2.5 Any act that causes any person to consume a substance (e.g., alcohol, cannabis, a narcotic or controlled substance) without their consent.

6.3 Contravention of Policy or Law

6.3.1 Violation of a University policy, rule, or procedure published or posted by the University. This includes formal or informal settlements pursuant to the Code, such as failure to comply with a non-academic misconduct sanction or other policies.

6.3.2 Violation of a Municipal, Provincial or Federal law where the violation has a material negative impact on the University.

6.4 Disruption or Interference

6.4.1 Disrupting or obstructing by action, threat or otherwise any sanctioned activity, including teaching, learning, research, administration, conference proceedings, events, clubs and extra-curricular activities, is not acceptable. This includes conduct that disrupts the normal operations of the University or that infringes on the rights of another member of the University community, although it does not apply to lawful and respectful challenges to content or systemic issues.

6.4.2 Interfering with, obstructing, disrupting, misleading, or failing to comply with the directions of any official of the University in the performance of their duties.

6.4.3 Any action, conduct, display or communication that disrupts or obstructs the freedom of movement of any person on University Property.

6.5 Hazing

6.5.1 Hazing activities include but are not limited to pranks, jokes, public ridicule, and any activity that does not respect an individual's rights, integrity, dignity, safety or well-being. Hazing includes conduct that is, or ought to be, reasonably known to be:

6.5.1.1 Abusive (physically or psychologically)

6.5.1.2 Demeaning

6.5.1.3 Dangerous

6.5.1.4 Humiliating

6.5.1.5 Ridiculing

6.5.1.6 Contrary to this Code, to a university policy, rule or procedure, or to Municipal, Provincial or Federal law that is used as a means of coercing, compelling, forcing, or otherwise socially pressuring a person to gain or maintain:

(a) Membership in

(b) Acceptance of

(c) Association with any group or organization

6.5.2 Express or implied consent from, or the acquiescence of, the affected person(s) shall not be an excuse or defense for such behaviour.

6.6 Possession of or Improper Use of Dangerous Objects or Substances

6.6.1 Possession or use of any weapon, explosive, chemical, biohazardous, radioactive or controlled material, or the like, except by authorized personnel and in an area formally designated for that purpose.

6.6.2 Use of any object to injure, threaten or intimidate another person.

6.7 Misconduct Against Persons and Dangerous Activity

6.7.1 Assault: A person who directly or indirectly applies force intentionally to another person without their consent. It can also occur when a person attempts to apply such force or threatens to do so without the other person's consent.

6.7.2 Harassment:

- 6.8.2.1 Abuse, threats, intimidation, violence, pranks or other conduct that is known or ought reasonably to be known to be unwelcome
- 6.8.2.2 Conduct that is hostile, intimidating or threatening, or that deliberately seeks to control, manipulate or otherwise harm another person
- 6.8.2.3 Verbal, non-verbal, written, physical actions, behaviour, or communication, including comments or conduct through any electronic media, regardless of where it originates

6.7.3 Contravention of the Human Rights, Discrimination, Harassment, and Racism Prevention Policy and Procedure

6.7.4 Contravention of the University's Sexual Violence Prevention Policy

6.7.5 Contravention of the Occupational Health and Safety Act, or its general duty of care, or under any applicable legislation, in any situation where the University believes there to be an urgent and/or serious situation of risk or potential risk of serious harm of any kind to any members of its community, the learner, or the public

6.8 Misconduct Involving Property

6.8.1 Misappropriation, damage, unauthorized possession, defacement, vandalism or destruction of property on university property and property associated with a sanctioned activity.

6.8.2 Theft or possession of property belonging to any person or entity without the permission of the rightful owner, including in circumstances where there was an intent to return the property.

6.8.3 Use, misuse or abuse of university facilities, property, equipment, supplies or resources contrary to express instruction or without proper authorization.

6.8.4 Interference with, obstruction of, or tampering with life safety or emergency equipment.

6.8.5 Setting unauthorized fires.

6.9 Misrepresentation, Failing to Provide or Providing False Information

6.9.1 Furnishing false information to an official of the University.

6.9.2 Withholding information to purposely obstruct or derail the work of an official of the University.

6.9.3 Possessing, distributing or using false or altered identification/credentials.

6.9.4 Altering or misuse of official University documents.

6.9.5 Failing to provide identification, upon reasonable request, to any official of the University for access to services, facilities and programs. The University prohibits arbitrary requests, i.e., profiling.

6.10 Misuse of University Information Technology

6.10.1 Altering or removing University computer files or software without proper authorization.

6.10.2 Intentionally jeopardizing the confidentiality, integrity and availability of electronically maintained University information or data.

6.10.3 Using the University's Information Technology resources to do anything that violates the rights of others, such as displaying or distributing obscene, harassing, defamatory, or discriminatory material or messages that violate the NOSM University Acceptable Use of Information Technology Policy.

6.10.4 Using the University's Information Technology resources for any illegal activities or purposes.

6.11 Unauthorized Entry and/or Presence

6.11.1 Unauthorized entry, attempted entry or presence in or on any University property.

6.11.2 Unauthorized entry, attempted entry or presence at any sanctioned activity.

6.11.3 Refusing to leave University property when instructed to do so by an official of the University acting within the scope of their duties.

6.11.4 Knowingly inviting or admitting into or on university property a person known to be banned from university property.

6.12 Aiding in the Commission of an Offence

6.12.1 Encouraging or aiding others, by words or by action, to engage in the commission of an act that violates this Code, a university policy, rule or procedure.

6.12.2 Encouraging or aiding others, by words or by action, to engage in the commission of an act that violates a Municipal, Provincial or Federal law and that has a material adverse impact on the University.

7.0 SUBSTANCE USE- MEDICAL EMERGENCIES

To promote learner safety and reduce barriers to seeking help, NOSM University provides the following protections under this Code:

The University will not subject learners involved in an actual or suspected overdose, or in situations involving drugs or alcohol that require urgent medical assistance, to disciplinary action under this Code for personal use or possession of drugs or alcohol.

These protections apply to:

7.1 Learners experiencing a medical emergency, including an actual or suspected overdose

7.2 Learners who believe they require urgent medical assistance due to substance use

7.3 Learners who seek emergency assistance for themselves or another person during such incidents

7.4 Learners present at the scene of an actual or suspected overdose, whether involved or not

8.0 SANCTIONS

8.1 The University may impose one or more sanctions for a breach of this Code, examples of which the University lists below.

8.2 Sanctions are fair and proportionate to the nature and seriousness of misconduct.

8.3 The most serious forms of misconduct may result in the most serious sanctions, including suspension or expulsion.

8.4 When determining an appropriate sanction, the University may consider prior breaches of this Code. The University's primary consideration is the safety and security of the University community, its members, and visitors.

8.5 Where appropriate, the University will also consider educational or restorative sanctions either in addition to or instead of other sanctions. The University designs such sanctions to help learners understand why their behaviour was inappropriate and to help them appreciate the impact of that behaviour on others.

8.6 Sanctions include:

8.6.1 Written Warning or Reprimand

8.6.2 Educational Sanctions. Such sanctions include apologies, educational programs, activities and assignments, University or community service, restorative justice, individual assessment and counselling.

8.6.3 Behavioural Contract. The University develops a set of behavioural expectations, terms, and conditions with the learner, which the learner then signs. With their signature, the learner agrees to the expectations, terms, and conditions and acknowledges that any breach of the contract may result in more serious sanctions.

8.6.4 Exclusion from a class, examination room, or other area. (Note: In this context, "class" refers to a period of instruction such as a lecture, seminar, tutorial, laboratory session, elective, or placement.)

8.6.5 Removal, either temporarily or permanently, from a course where the learner is registered.

8.6.6 Restriction or Denial of University Services or Privileges. The lost privileges may include, but are not limited to, parking privileges, unrestricted access to the library, and participation in extracurricular activities.

8.6.7 No Contact Order. This order requires that a learner has no direct or indirect contact with a specific individual or group.

8.6.8 Prohibition or limitation of employment at the University.

8.6.9 Prohibition or limitation on entering University premises or specific parts thereof, including academic/research facilities and laboratories.

8.6.10 Restitution. A requirement that the learner make restitution to another individual or the University for any loss or damage to personal or University property.

8.6.11 Forfeiture of University awards or financial assistance.

8.6.12 Non-academic Probation. A designated period during which the learner must adhere to the terms of the probation, which may include restrictions on learner privileges and/or set behavioural expectations, a violation of which will result in further sanctions.

8.6.13 Suspension from the University for a specified period. The University may specify conditions for readmission.

8.6.14 Expulsion from the University.

9.0 REPORTING PROCESS

Complainants must submit complaints by emailing non-academicmisconduct@nosm.ca. The Reporting and Investigation Procedures for Violations of the Non-Academic Code of Conduct document the Reporting Process.

10.0 Review of Decision

The Non-Academic Code of Learner Conduct Procedure: Review of Decision outlines how and when a learner may request a review of a sanction or decision.

- **Authority:** Learners submit review requests to the Provost, who makes the final determination.
- **Scope of Review**: The Provost reviews the original decision rather than conducting a full rehearing. The Provost considers the information that the original decision-maker had available at the time of the decision.
- **Effect of Sanctions**: Any sanctions the institution imposed remain in effect while the review proceeds, unless the Provost directs otherwise.

11.0 INTERPRETATION

The Provost, Vice President Academic (provost@nosm.ca), addresses questions regarding this policy and assists with interpretation.

12.0 RELATED DOCUMENTS

Depending on the circumstances, violations of this Code may also fall under other applicable policies and procedures, including but not limited to:

- Policies of affiliated universities
- Policies of hospitals or clinical sites where the University places learners
- Applicable professional standards and regulatory requirements
- Acceptable Use of Technology
- Classroom Recording Protocol.
- NOSM University Policies
- Lakehead University Policies and Procedures
- Laurentian University Policies

AUTHORITIES AND OFFICERS

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

a. Approving Authority: Recommendation of the Senate/Board Approval

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