



Undergraduate Procedures for Resolution of Alleged Conduct Unsuitable for the Profession

1.0 PREAMBLE

There is an individual and collective responsibility to maintain a high level of scholarly integrity within the University community. In addition, all students enrolled in professional programs are expected to adhere to profession specific codes of conduct and/or codes of ethics, which guide their profession. Among Faculty of Business Administration (FBA) programs, these procedures apply to any students registered in an undergraduate business program.

It is necessary that the FBA ensures that students admitted to, registering for, and undertaking undergraduate business programs are professionally suited to do so, in accordance with the standards that guide professional conduct within business. In the event that professional suitability concerns arise, students registered in any of the FBA's undergraduate programs will be subject to Memorial University's General Academic Regulation [6.13 Professional Suitability](#) as well as the [FBA's Statement and Code of Academic and Professional Integrity](#).

The Procedures for Resolution of Alleged Conduct Unsuitable for the Profession details the mechanism by which the FBA will respond if a concern is raised regarding a student's professional suitability. As per General Academic Regulation [6.13 Professional Suitability](#), this Procedure applies to undergraduate students throughout their period of registration in the program, both on and off campus, at all times. It is not limited to on-campus activity, the school term, or to work-based learning (e.g. internships, work-terms, applied learning activities, exchanges, etc.).

1.1 FBA's *Statement and Code of Academic and Professional Integrity*

This section draws directly from language of the FBA's [Statement and Code of Academic and Professional Integrity](#) (the "Code") that relates to professional integrity.

The *Code* requires that any student of the FBA is expected to adhere to the highest standards of academic and professional integrity. Students must develop and honour integrity and ethical behaviour in all learning experiences, while maintaining professionalism at all times. Professional integrity means that students shall accept the responsibility to participate professionally and respectfully in all University activities. Specifically, this means that:

- Students shall conduct themselves with respect and dignity with regard to all stakeholders;
- Students shall demonstrate consideration for, and interact cooperatively with, individuals who may be neurodivergent, be of different races, religions, national origins, genders,

sexual orientations, physical or mental abilities, appearances, backgrounds, or any other characteristic covered by provincial human rights legislation, and;

- Students shall display fellowship and stand up for their beliefs while respecting the rights and opinions of both fellow classmates and professors.

An objective of this *Code* is to promote the development of responsible business leaders, managers, and professionals with the highest standards of integrity.

2.0 CONDUCT UNSUITABLE FOR THE PROFESSION

Examples of conduct unsuitable for the profession are found in Memorial University's General Academic Regulation [6.13.2 Conduct Unsuitable for the Profession](#) and the [FBA's Statement and Code of Academic and Professional Integrity](#). Behaviour considered an academic offence under General Academic Regulation [6.12 Academic Misconduct](#) may also be considered as conduct unsuitable for the profession. Violations of this standard of professional integrity include, but are not limited to:

- engaging in disruptive or disrespectful behaviour in class, including arriving late or leaving early, using electronic devices for purposes not directly related to the class, and talking or making excessive noise;
- using inappropriate, intimidating, or harassing language in written or oral communications;
- using inappropriate, intimidating, or harassing body language;
- divulging confidential information obtained during research or while on work-terms;
- making use of inappropriately divulged confidential information;
- stealing or defacing the property of the University and its stakeholders;
- engaging in behaviours while on a Faculty- or University-related activity that might reasonably be expected to cause embarrassment to the Faculty or to the University;
- breach of confidentiality;
- harassment, or any threat, intimidation, or attempt to harm another person;
- failure to treat others with dignity or respect, or to engage in professional practice in a non-discriminatory way; and
- other behaviors which indicate unsuitability for the profession.

2.0 PROFESSIONAL SUITABILITY REVIEW PANEL

Any professional suitability matters will be referred to the Associate Dean responsible for Undergraduate Programs. Upon receipt of alleged conduct unsuitable for the profession, the Associate Dean responsible for Undergraduate Programs may establish an ad hoc review panel hereafter referred to as the Review Panel to hear and determine matters of professional suitability requiring formal resolution.

2.1 Review Panel Membership

Membership in the Review Panel will be formulated by the Associate Dean responsible for undergraduate programs and shall be as follows:

- At least two academic staff members (ASMs) or staff members of the FBA
- At least one ASM or staff member from Grenfell Business
- At least one current undergraduate student, who has successfully completed at least 90 credit hours; and
- University Registrar (or delegate).

The Review Panel Chair shall be selected by committee members but cannot be a student.

Hearings shall be undertaken by the Review Panel. All members must register a vote and can not abstain.

Individuals will not be chosen to sit on the Panel whose presence may create bias or reasonable apprehension of bias, or whose other commitments would not permit a timely scheduling of the hearing.

3.0 PROCEDURE

The FBA recognizes that concerns regarding students' professional suitability may arise in a variety of ways. The FBA may consider and address concerns howsoever they arise and will endeavor to take action to deal with these promptly and fairly. The FBA recognizes that dealing with such matters in a consistent and timely fashion will help to ensure professional standards are maintained, support student learning and professional development, and further a positive experience for all students, staff, instructors, faculty, and visitors of the FBA.

While the FBA anticipates that most matters involving professional suitability concerns will be dealt with under this Procedure, matters may arise where it is appropriate for the FBA to engage other University processes, as an alternative or in addition to this Procedure. These processes may include, and are not limited to, filing a sexual assault complaint with the Sexual Harassment Office, an investigation of an alleged Student Code of Conduct violation, or the referral of an allegation of Academic Misconduct to the Senate Committee on Undergraduate Studies. The coordination of these units and procedures will be critical throughout these processes.

The FBA may, at its discretion, suspend or delay any action under this Procedure pending the outcome of any criminal investigation or prosecution under the Criminal Code, a complaint to the Human Rights Commission, and/or any other simultaneous University investigation or proceeding.

The FBA may take action in respect of a student under this Procedure notwithstanding their conviction or acquittal in legal or University proceedings. The FBA is not bound by the outcome of any investigation or prosecution, although the FBA may at its discretion take any penalty imposed by a court, tribunal or the University into consideration in determining any outcome to be imposed under this Procedure.

Once a referral has been made to the Review Panel Chair, the proceedings may continue, at the discretion of the Chair, notwithstanding that the student has refused or failed, without

acceptable cause duly authenticated in writing, to participate in the proceedings. Where extenuating circumstances acceptable to the Chair exist, the Chair may defer the hearing and set new timelines. In the event there is a conflict between this procedure and Memorial University's General Academic Regulation [6.13 Professional Suitability](#), the General Academic Regulation 6.13 Professional Suitability will supersede the procedures here.

3.1 Allegation Process

The Associate Dean responsible for undergraduate programs shall:

- Inform the student of the allegation made against them by contacting their @mun.ca email address.
- review matters concerning professional suitability brought to their attention, and may meet with the student to assess whether the allegations warrant the establishment of a Review Panel or if informal resolution is appropriate;
- where informal resolution is appropriate, the principles set forth in [General Academic Regulation 6.13.3 \(4\)](#) shall be followed and if successful:
 - retain a record in the student's confidential file of the allegation and resolution in the event of future related concerns in addition to any other consequences as agreed to by the student and complainant such as a letter of reprimand or a letter of apology;
- where informal resolution is determined to be inappropriate or fails:
 - construct the Review Panel;
 - notify the student in writing using their official @mun.ca email address of the allegation and that the matter has been referred to the Review Panel in accordance with [General Academic regulation 6.13.3 \(3\)](#);
 - document in a report the accusation, the alleged facts including any information submitted by or collected from valid sources that may be internal or external to the University, and the alleged ground(s) warranting a Hearing and present to the Review Panel.

The Review Panel may request further information from any parties involved (including witnesses) during their initial review and investigation and may choose to invite witnesses to the hearing.

All meetings including the hearing may be held in-person or using virtual meeting technology as appropriate.

Depending on the nature of the allegation, the Associate Dean responsible for undergraduate programs or the Review Panel may enact temporary suspension of the student or place limits on the student's participation in the program and FBA activities (including work-terms), pending the result of the process. Interim suspension or limited participation normally will be invoked only to:

- prevent risk to the physical or emotional safety and well-being of students or other community members with whom the student has had or may have contact;
- prevent risk to the physical or emotional safety and well-being of members of the University community;

- prevent risk to the student's own physical or emotional safety and well-being;
- prevent a threat of disruption or of interference with the operations of the FBA and/or its programs; or
- prevent a situation that will bring disrepute to the University, the FBA, or the profession.

3.2 Notifying the Student

The Review Panel Chair or delegate shall confirm with the student the date, time, and place for the Review Panel hearing and shall provide to the student the names of the Review Panel members as well as the package of documentation sent to the Review Panel including any witnesses the Review Panel may be inviting to the student's official @mun.ca email account.

The Review Panel Chair shall inform the student that they shall be allowed to present their case in person and have the right to be accompanied by a registered student, a representative of the student union, or a member of the faculty or staff of the University. The student may also request to be accompanied by a support person who is not a student, faculty or staff, at the discretion of the review panel. Such requests shall not be unreasonably denied. The name and contact information of this person shall be provided to the Chair prior to the date of the hearing.

The student may provide a written response to the allegations of professional unsuitability, which should include all relevant documentation, prior to the hearing. Such written response must be provided to the Review Panel Chair at least two (2) working days prior to the date of the hearing from their official @mun.ca email account.

3.3 Hearing Process

The Review Panel shall not proceed with the hearing in the absence of any of the Panel members.

The Chair will present the professional suitability concern to the members of the Review Panel on behalf of the FBA.

If the student opts not to, or fails to appear for the hearing, the Review Panel shall proceed with the hearing on the basis of the material that has been filed.

Hearings should be conducted and decisions provided as soon as is reasonably possible but, absent extenuating circumstances, normally no later than 4 weeks after the initial referral, or two weeks in the case of a temporary suspension.

While the order and procedure to be followed at a Hearing will be at the discretion of the Chair and will comply with the principles of natural justice, the following will normally occur:

- The Chair will outline the professional suitability concern and the evidence in support of the concern.
- The Review Panel members may ask questions of the student and may ask for additional information or to call witnesses, if any;
- The Review Panel members may ask questions of the Chair and may ask for additional information or to call witnesses, if any;

- The student may also ask questions relating to the alleged facts.

At any time during the course of the hearing, the Chair may adjourn or postpone the hearing if it is reasonable to do so. If the Review Panel determines that additional information is required for a fair determination of the concern, the Chair may adjourn the hearing for the purpose of accepting the additional information.

The hearing shall be closed to all persons except the members of the Review Panel, the student, the person accompanying the student, and any witnesses. Witnesses will attend only for the period they are being questioned and will be requested to maintain confidentiality concerning the matter. Members of the Review Panel shall be bound by confidentiality in respect of information received regarding the matter. Information will only be disclosed as is reasonably necessary to implement the investigation, the resolution or the terms of any disposition imposed, or as required by law.

3.3 Hearing Outcome

The Review Panel, after all members are satisfied they have heard all relevant information, shall meet in closed session to:

- consider the evidence;
- consider its decision using a balance of probabilities standard (meaning is it more probable than not that the student violated the standard of professional integrity).

A majority vote of the Review Panel members is required for any decision regarding the matter.

The result of the hearing and the reasons therefor shall be conveyed to the student in writing normally within 1 working day of the final meeting of the Review Panel to the student's official @mun.ca email account. Written copies will also be distributed to the Dean of the FBA. A copy of the decision of the Review Panel will be kept in the student's confidential file in accordance with [General Academic Regulation 6.13.6](#).

3.4 Possible Disciplinary Actions

If the Review Panel makes a finding of professional unsuitability, the Review Panel may take any action it deems appropriate in the circumstances, including but not limited to, the options presented in [General Academic Regulation 6.13.5](#), alone or in combination.

4.0 APPEALS

The student may appeal the decision of the Review Panel. As per [General Academic Regulation 6.13.7](#), the appeal shall be heard by the Senate Committee on Academic Appeals.

In the event of an appeal, any interim suspension or limited participation applied by the Review Panel shall remain in effect until a decision is reached by the Senate Committee on Academic Appeals.